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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10315

EXEMPTION OF WILLIAM E. LEE FROM COMPULSORY RETIREMENT FOR AGE

WHEREAS William E. Lee, a member of the Interstate Commerce Commission, will, during the month of January 1952, become subject to compulsory retirement for age under the provisions of the Civil Service Retirement Act of May 29, 1930, as amended, unless exempted therefrom by Executive order; and

WHEREAS, in my judgment, the public interest requires that the said person be exempted from such compulsory retirement as provided below:

NOW, THEREFORE, by virtue of the authority vested in me by section 204 of the act of June 30, 1932, 47 Stat. 404 (5 U. S. C. 715a), I hereby exempt the said William E. Lee from compulsory retirement for age for an indefinite period of time not extending beyond the expiration of his present term of office as a member of the Interstate Commerce Commission: *Provided*, that, for the purposes of this order, his present term of office shall be considered as expiring upon the appointment and qualification of his successor.

HARRY S. TRUMAN

THE WHITE HOUSE,
December 19, 1951.

[F. R. Doc. 51-15133; Filed, Dec. 19, 1951; 2:42 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

[Farm Credit Administration Order 536]

PART 4—PUBLIC INFORMATION

PART 11—NATIONAL FARM LOAN ASSOCIATIONS

MISCELLANEOUS AMENDMENTS

In order to reflect that certain statutory provisions heretofore referred to therein have now been included in Title 18 of the United States Code, and that one of such provisions concerning crop production loans is no longer applicable, § 4.1 (b) of Title 6 of the Code of Federal Regulations is hereby amended to read as follows:

(b) In this connection, particular attention is directed to the following provisions of law containing the Federal penal provisions which relate particularly to officers, employees, and agents of the Farm Credit Administration and the corporations under its supervision or control: Paragraphs (b), (c), and (d) of section 15 of the Agricultural Marketing Act (46 Stat. 18; 12 U. S. C. 1141j); section 10 (g) of the act of May 12, 1933 (Agricultural Adjustment Act) (48 Stat. 37; 7 U. S. C. 610); and sections 218, 220, 221, 371, 431, 432, 433, 493, 657, 658, 709, 1006, 1011, 1013, 1014, 1907, and 1909 of Title 18, United States Code, Crimes and Criminal Procedure.

(Sec. 6, 47 Stat. 14; 12 U. S. C. 665)

Inasmuch as § 4.1 (a) of Title 6 of the Code of Federal Regulations applies to officers, employees or agents of any corporation under the supervision or control of the Farm Credit Administration, which includes the national farm loan associations, it is considered unnecessary that the provisions thereof should be repeated with special reference to national farm loan association personnel as § 11.60 of Title 6 of the Code of Federal Regulations; for that reason, such § 11.60 and the related §§ 11.61 and 11.62 are hereby withdrawn from Title 6 of the Code of Federal Regulations.

[SEAL] I. W. DUGGAN,
Governor.

DECEMBER 17, 1951.

[F. R. Doc. 51-15091; Filed, Dec. 20, 1951; 8:49 a. m.]

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

[Supplemental Announcement 6]

PART 507—COTTON

TERMS AND CONDITIONS OF COTTON SALES FOR EXPORT PROGRAM

The Terms and Conditions of Cotton Sales for Export Program revised June 2, 1948 (13 F. R. 2946), as amended, is

(Continued on p. 12805)

CONTENTS

THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CONTENTS—Continued

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

hereby further amended as to all export sales of which notice is received after 3:00 p. m., e. s. t., December 29, 1951, as follows:

(1) Sections 507.2 (d) and 507.4 (g) are amended by substituting the date "July 1, 1952" for the date "January 1, 1952."

(2) Section 507.2 (d) is amended by substituting the date "September 30, 1952" for the date "March 31, 1952."

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c)

Dated this 14th day of December 1951.

[SEAL] LIONEL C. HOLM,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 51–15093; Filed, Dec. 20, 1951; 8:49 a. m.]

PART 539—NUTS

SUBPART D—TERMS AND CONDITIONS OF SHELLED PECAN PURCHASE PROGRAM SMP 39A (FISCAL YEAR 1952)

AUTHORITY: §§ 539.201 to 539.210 issued under sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c.

§ 539.201 *General statement.* In order to encourage the domestic consumption of pecans produced in the United States by diverting them from the normal channels of trade and commerce, the U. S. Department of Agriculture (hereinafter referred to as the "Department") will purchase not to exceed 3,350,000 pounds of 1951 crop shelled pecans, subject to the terms and conditions stated in announcement FV–184 and Offer of Sale Form FV–184–1.

§ 539.202 *Eligible vendors.* Shellers within the continental United States, including growers, or associations of growers who shell pecans or have then shelled for their account, will be eligible to offer shelled pecans to the Department.

§ 539.203 *Offer of sale.* Each offer shall be submitted in an original and three (3) signed legible copies on Offer of Sale Form FV–184–1.

§ 539.204 *Receipt of offers.* Offers must be received by the Department not later than 5:00 p. m., e. s. t., December 28, 1951.

§ 539.205 *Grade and size.* The grade and size of shelled pecans purchased shall be as follows: Grade; the shelled pecans shall be "sheller run" pecans which meet the requirements of U. S. No. 1 pecan pieces as defined in the U. S. Standards for Shelled Pecans, effective November 1, 1938, except that they shall contain not less than 35 percent by weight of pecan halves. Size; the shelled pecans shall be of a size which will not pass through a sieve with round openings $\frac{5}{16}$ of an inch in diameter. Tolerance for size; not more than 15 percent, by weight, may pass through a sieve with round openings $\frac{5}{16}$ of an inch in diameter, but not more than one-fifteenth of this amount, or 1 percent, shall be allowed for material which will pass through a sieve with round openings $\frac{1}{8}$ of an inch in diameter. Each lot must contain at least 35 percent by weight of pecan halves and no tolerance will be allowed in this regard.

§ 539.206 *Inspection, packaging, and loading.* Shelled pecans purchased by the Department must be inspected by Federal-State or Federal inspectors at the seller's expense, packed in containers specified by the Department, and loaded f. o. b. cars or trucks at seller's plant or warehouse.

§ 539.207 *Minimum grower prices.* The seller, if other than the grower of the pecans or a bona-fide growers' cooperative marketing association, must satisfy the Department that he has paid growers, directly or through assemblers, for in-shell pecans in a quantity at least three times the number of pounds of shelled pecans offered to the Department not less than the following prices:

For in-shell pecans (at least 85 percent U. S. No. 1 kernel quality).
Improved varieties, 23 cents a pound.
Seedlings, 18 cents a pound.
For in-shell pecans (65 up to 85 percent U. S. No. 1 kernel quality).
Improved varieties, 20 cents a pound.
Seedlings, 16 cents a pound.

Purchases of the Schley variety may not be used in meeting grower price requirements. Purchases from growers of the required quantity of in-shell pecans must have been made during the period beginning November 20, 1951, and ending with the date of the offer to sell to the Department. The determination of the kernel quality of in-shell pecans purchased from growers in accordance with this paragraph may be based either on Federal-State inspection or on mutual agreement between the grower and the buyer.

§ 539.208 *Grower certificates.* The seller must file with his offer the original signed certificates of growers from whom purchases of in-shell pecans were made in compliance with the minimum grower price requirements of § 539.207. Such certificates shall be filed with the offer whether purchases are made direct or through an assembler and shall be in substantially the form set out in the Offer of Sale Form FV–184–1.

§ 539.209 *Acceptance of offers.* Offers will be considered on a competitive bid basis. The Department reserves the right to reject any or all offers. Offers shall be subject to acceptance by the Department not later than January 4, 1952.

§ 539.210 *Information.* Announcement FV–184, Offer of Sale Form FV–184–1 and information pertaining to the purchase can be obtained from E. M. Graham or J. W. Park, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

Dated this 18th day of December 1951.

[SEAL] S. R. SMITH,
Authorized Representative, of the Secretary of Agriculture.

[F. R. Doc. 51–15090; Filed, Dec. 20, 1951; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Amdt. 6 to Supplementary Regulation 12]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 12—EXTENSION OF EFFECTIVE DATE FOR PARTICULAR COMMODITIES

CLARIFICATION OF RIGHT TO MAKE SEPARATE ELECTIONS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 6 to Supplementary Regulation 12 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment clarifies the right of election granted by SR 12 to manufacturers of certain commodities to postpone Ceiling Price Regulation 22 as to these commodities. SR 12 now contains a number of separate subparagraphs under section 1 (b), each of which names a commodity or a group of commodities (by group name or by a listing of commodities in the group) as to which a manufacturer may elect not to use CPR 22. Some question has arisen as to whether a manufacturer may elect to use CPR 22 as to some commodities in a group, and postpone the effectiveness of CPR 22 as to other commodities in the group. This amendment clarifies the original intent of SR 12 in this respect by providing that a manufacturer (of

commodities included in the same subparagraph of section 1 (b)) must make the same election as to all (other) commodities in (that) the same subparagraph.

The listing of commodities in section 1 (b) is, at the same time, rearranged into new subparagraphs so that all commodities having problems common to each other, and for which a single tailored regulation is contemplated, are included in the same subparagraph. Thus, petrochemicals appear in one subparagraph, all nitrogen compounds in another, and mixed fertilizers in another. A manufacturer of petrochemicals who elects not to use CPR 22 as to any petrochemical may not use CPR 22 as to any other petrochemical. Similarly, a manufacturer of synthetic sulfate of ammonia who elects not to use CPR 22 as to that commodity, may not use CPR 22 as to any other of the nitrogen compounds listed in subparagraph 25.4 of section 1 (b). On the other hand, a manufacturer who elects not to use CPR 22 as to all of the listed nitrogen compounds, may nevertheless use CPR 22 as to his mixed fertilizers, since mixed fertilizers appear in a different subparagraph of section 1 (b). Certain minor language changes have also been made in the description of the listed commodities.

The amendment also adds perfume bases, woven wire products, metal slide fasteners, plastic buttons, and paints, varnishes and lacquers, to the commodities included in SR 12. It is believed that CPR 22 is not appropriate for these commodities and the Office of Price Stabilization is in the process of preparing or expects to prepare other regulatory provisions for them. Accordingly, the Director is providing for an optional postponement of CPR 22 as to all of these. SR 6, which applies to paints, varnishes and lacquers, may be revised on the basis of further study; in the meantime manufacturers of these products may elect to retain their GCPR ceilings or to compute their ceilings under SR 6.

Because this amendment is in part a restatement of existing provisions, it has not been deemed necessary or practicable to consult again with industry representatives with respect to all its provisions. The optional postponement of CPR 22 with respect to additional commodities has been the subject of consultation with respresentatives of the industries involved, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Supplementary Regulation 12 to Ceiling Price Regulation 22 is amended in the following respects:

1. Section 1 (a) is amended to read as follows:

(a) *Optional postponement of CPR 22 ceiling prices.* Notwithstanding any provision of Ceiling Price Regulation 22, you may, until further action by the Director of Price Stabilization, elect not to use Ceiling Price Regulation 22 as to any commodity or group of commodities listed in paragraph (b) below. If you elect not to use Ceiling Price Regulation 22 as to any commodity in a group of commodities included in the same subparagraph of paragraph (b), you may not use Ceiling Price Regulation 22 as to any other commodity included in that subparagraph. As to those commodities for which you elect not to use Ceiling Price Regulation 22, you must continue to use your ceiling prices established under the General Ceiling Price Regulation. You may not, however, continue to use ceiling prices established under the General Ceiling Price Regulation for any commodity covered by a numbered regulation or supplementary regulation which becomes effective on or after the date of issuance of this supplementary regulation.

2. Delete subparagraph 5 of section 1 (b) and substitute the following:

5.1 Plumbing and drainage specialties except "plumbing fixture trim." Plumbing and drainage specialties are items specifically designed to meet local or national plumbing code requirements, as for example:

Closet bends.
Clean out ferrules.
Back water valves (ball or flap).
Floor drains.
Roof drains.
Shower drains.
Stock base fittings.
Santific tees.
Bell traps.
Vent traps.
Ferrules.
Closet flanges.
Drum traps.
Sink traps (cast iron only).
Conductor bends.
Back pressure flow valves and sewer valves.
Roof drains sumps.
Urinal drains.
Solder nipples.
Sissen or insertable joints.
Solder bushings.

5.2 Metal body interceptors for grease, gasoline, oil, hair, sediment and plaster.

3. Delete subparagraph 6 of section 1 (b) and substitute the following:

6.1 Builders hardware, including the following:

Key blanks.
Lavatory stall hardware.
Locks and lock sets.
Mail boxes (rural and residential).
Overhead door hardware.
Sash hardware, including sash pulleys.
Screen and screen door hardware, including grills and guards.
Show case hardware.
Window guards.
Butts and butt hinges.
Padlocks.
Checking floor hinges and liquid door closers.
Fire exit bolts.
Unit locks.
Night latches and dead locks.
Door holding devices.
Luggage locks and hardware.
Spring hinges.
Sash balances.
Upward acting doors and hardware.
Strap and tee hinges.
Screw hooks and straps.
Screw bolts and straps and hasps.

6.2 Awning hardware including awning pulleys.
6.3 Bright wire hardware.
6.4 Casket and casket shell hardware.
6.5 Garage hardware.

4. Delete subparagraph 7 of section 1 (b) and substitute the following:

7.1 Fittings, pipe and tubing, any metal or plastic, except cast iron soil pipe fittings and cast iron pressure pipe fittings.

7.2 Hose fittings, any metal or plastic, except garden hose fittings.
7.3 Nipples, any metal or plastic, except automotive.
7.4 Sprinkler system fittings and valves, any metal, except for portable lawn sprinklers.
7.5 Valves, automatic and manually operated, any metal or plastic, except tire and automotive valves and valves covered by CPR 30.
7.6 Grease and oil pressure valves and fittings, any metal, except automotive valves and valves covered by CPR 30.

5. Delete subparagraph 16 of section 1 (b) and substitute the following:

16.1 Mattresses; box springs; dual purpose sleeping equipment; headboards for beds.
16.2 Bed springs—Coil and flat; beds made entirely of metal, including roll-away, double-deck and bunk.
16.3 Wire spring coils and coil constructions for bedding and upholstery.

6. Delete subparagraph 23 of section 1 (b) and substitute the following:

23.1 Radio receivers; television receivers; electronic phonographs and combinations containing any of these three commodities designed for home use; and radios, automobile and portable.
23.2 Tubes, electronic, for radio receivers, television receivers, phonographs and combinations containing any of these three commodities; and tubes, electronic for sound recording and reproducing devices and for public address and paging systems.

7. Delete subparagraph 25 of section 1 (b) and substitute the following:

25.1 Petrochemicals, defined as synthetic organic chemicals containing one or more carbon atoms using fractions of crude petroleum, including hydrocarbon components of natural gas, as raw materials.
25.2 Superphosphates.
25.3 Mixed fertilizers.
25.4 The following nitrogen compounds:
Synthetic sulfate of ammonia.
Synthetic nitrate of soda.
Ammonium nitrate.
Ammonium nitrate-lime compound.
Urea compounds.
Urea-ammonia liquors.
Nitrogen solutions.
Anhydrous ammonia.
Synthetic ammoniacal liquors.
25.5 Perfume bases.

8. Subparagraph 27 is amended to read as follows:

27. The following building materials: Asphalt and tarred roofing products defined as, dry felt made of organic fibre impregnated with bitumen designed and constructed to be applied to the exterior surface of a building or structure for the purpose of weather proofing such surfaces.

9. Delete subparagraph 28 of section 1 (b) and substitute the following:

28.1 Flat veneer products.
28.2 Newsprint.
28.3 Groundwood printing & specialty papers.
28.4 Wrapping paper.
28.5 Vegetable parchment paper (including vegetable parchmentizing stock).
28.6 Tissue paper.
28.7 Blotting paper.
28.8 Impregnating paper.
28.9 Container board.
28.10 Sanitary food board.
28.11 Boxboard.
28.12 Binders board.
28.13 Leather board.
28.14 Laminated bottle cap board.
28.15 Building paperboard.
28.16 Envelopes (paper).
28.17 Paper stationery.

28.18 Paper bags.
28.19 Paper shipping sacks.
29.20 Containers and closures made from sanitary food board.
28.21 Molded pulp products.
28.22 Gummed paper products, including gummed cloth products.
28.23 Converted tissue products.
28.24 Waxed paper.
28.25 Coated and processed papers.
28.26 Paper and paperboard cups.
28.27 Paper rolls for adding machines, teletypes, etc.
28.28 Wallpaper.
28.29 Waterproof paper.
28.30 Products made from flexible packaging materials.
28.40 All converted paperboard products other than those included in any other subparagraph.
28.41 All converted paper products other than those included in any other subparagraph.
28.42 All paperboard products other than those included in any other subparagraph.
28.43 All paper products other than those included in any other subparagraph.

10. The following subparagraphs are added to section 1 (b):

(34) Plastic buttons for apparel.
(35) Metal slide fasteners and metal parts for slide fasteners.
(36) Woven wire products, ferrous and non-ferrous, including screening, industrial wire cloth, four-drinier wire, hardware cloth, poultry cloth and strainer cloth.
(37) Paints, varnishes and lacquers as listed in Supplementary Regulation 6.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective December 19, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

DECEMBER 19, 1951.

[F. R. Doc. 51-15174; Filed, Dec. 19, 1951; 4:57 p. m.]

[Ceiling Price Regulation 30, Amdt. 3 to Supplemental Regulation 3]

CPR 30—MACHINERY AND RELATED MANUFACTURED GOODS

SR 3—OPTIONAL POSTPONEMENT OF EFFECTIVE DATE FOR MANUFACTURERS OF CERTAIN COMMODITIES, GRAPHITE CRUCIBLES AND ACCESSORY OR RELATED PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 3 to Supplementary Regulation 3 to ceiling Price Regulation 30 is hereby issued.

STATEMENTS OF CONSIDERATIONS

This amendment to Supplementary Regulation 3 of Ceiling Price Regulation 30 extends at the option of the manufacturer the effective date of CPR 30 for graphite crucibles and accessory or related products and for scientific, laboratory and pharmaceutical glassware and pole line hardware and line construction specialties.

Supplementary Regulation 3 extends to manufacturers whose commodities are covered the effective date of CPR 30, at their option. In general, the reasons set forth in the Statement of Considerations to the Supplementary Regulation apply as well to this amendment. The Office of Price Stabilization has under consideration and is in the process of preparing a regulation specially designed for the commodities affected by this action. As presently contemplated this regulation will use pricing techniques which differ from those set forth in CPR 30 and which are more specifically adapted to the practices of the graphite crucible industry. When CPR 30 becomes effective manufacturers will be required to compute their ceiling prices twice within a relatively short period of time unless they are relieved of the necessity of complying with that regulation. Similar surveys and regulations are in process for the glassware and for the pole line hardware and line construction specialties included in this amendment. In order to avoid this burden upon these industries, it has been determined to extend the effective date of CPR 30 for a sufficient period to allow the specific regulation to be issued. Manufacturers affected by this amendment need not, if they so elect, make the provisions of CPR 30 effective as to them, but may determine their ceiling prices under the GCPR.

Formal consultation with representatives of industries has not been had but conferences have been had with industry representatives and consideration was given their recommendations.

AMENDATORY PROVISIONS

Supplementary Regulation 3 to Ceiling Price Regulation 30 is amended as follows:

1. Section 1 (b) is amended to add the following new numbered subparagraphs:

(15) Graphite crucibles and accessory or related products. This term includes clay graphite crucibles and carbon bonded silicon carbide crucibles of any form or type, as well as base blocks, stirrers, skimmers, covers, ladle liners, attachable lips or pouring channels, retorts, stopper heads and nozzles, saggers, pyrometer target tubes, phosphorizer cups and sleeves, dipping cups, funnels, furnace linings, and other accessory equipment of which natural graphite represents 15 percent or more of the total weight of raw materials contained.
(16) Scientific, laboratory and pharmaceutical glassware.
(17) Pole line hardware and line construction specialties.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 3 to Supplementary Regulation 3 to Ceiling Price Regulation 30 shall become effective December 19, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

DECEMBER 19, 1951.

[F. R. Doc. 51-15175; Filed, Dec. 19, 1951; 4:57 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Area Milk Price Regulation 6]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 6—MILK PRODUCTS FOR FLUID CONSUMPTION IN SPRINGFIELD OPS ZONE 1 AREA, MASSACHUSETTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), and Supplementary Regulations 63 to the General Ceiling Price Regulation (16 F. R. 9559), this area milk regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This area milk price regulation establishes ceiling prices for certain sales by processors and distributors of milk products for fluid consumption affecting the area designated as the Springfield OPS Zone I Area.

In general, sales are covered by this regulation if the purchaser is located in the area. However, in the case of sales by a processor to a distributor, the sale is covered if the plant from which delivery is made is located in the area, regardless of the location of the distributor. Products covered by this regulation are "milk products for fluid consumption" as this term is defined in Supplementary Regulation 63 to the General Ceiling Price Regulation. In general, this term includes most fluid milk products, and cottage, pot and bakers cheese. Products not covered by this regulation remain under the General Ceiling Price Regulation.

The area includes all of the Hampden and Hampshire counties. The important factors determining that these localities should be grouped in one area and subject to one regulation are that throughout the area: (1) Producer price increases and decreases have been uniform: (2) Since January 1, 1950, labor and container cost increases have been similar: and (3) there is little variance in trade practices and marketing patterns.

This regulation adjusts prices by the uniform adjustment method rather than by establishing dollar and cent ceilings. Under this method each seller applies a uniform set of adjustments to the highest prices he charged for each of four basic products during the period December 19, 1950–January 25, 1951. Prices for other products covered by this regulation are determined by applying typical differentials used in the same period.

The uniform adjustments were based on sales price and certain cost differences between the period January 1–June 30, 1950, and a current period. The current period for direct labor and container cost differences was generally the month of July 1951. The current period for raw milk cost increases was October 1951, for Class I milk and September 1951, for cream and skim. These producer prices are specified in section 7 (c) of this regulation and shall be used as the basis for computing future parity adjustments. Raw milk and other agri-

cultural commodities have not yet reached parity and hence are not subject to price control when sold by the producer. Upward adjustments in ceilings from time to time are permitted, based on producer price increases over the producer prices specified in the regulation for milk and cream, and on a similar basis for other agricultural commodities. However, unlike the General Ceiling Price Regulation, when producer prices decrease from those specified in this regulation, downward adjustments in ceilings must be made.

Calculations were based on statistics submitted by a representative number of processors and distributors. The regulation is the result of petitions received from approximately 8 processors and distributors in the area, representing approximately 68 percent of the volume of milk sold in the area. Among those petitioning were large, medium and small dealers. In addition, spot checks were made to determine the accuracy of costs, sales and volume figures contained in the petitions.

Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of the Springfield District Office of the Office of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

In the judgment of the Director of the Springfield District Office of the Office of Price Stabilization, the provisions of this area milk price regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

The Director of the Springfield District Office of the Office of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to all relevant factors of general applicability.

The Director has consulted the industry to the extent practicable and has given due consideration to its recommendations.

REGULATORY PROVISIONS

Sec.

AUTHORITY: Sections 1 to 20 issued under sec. 704, 64 Stat. 816, as amended: 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this area milk price regulation does.* This area milk price regulation establishes ceiling prices for certain sales of milk products for fluid consumption in the Springfield OPS Zone 1 milk marketing area by establishing uniform adjustments to be applied by each seller to the highest prices at which he sold these milk products during the period December 19, 1950, through January 25, 1951.

SEC. 2. *Description of the Springfield OPS Zone 1 area.* When used in this regulation, the word "area" means the Springfield OPS Zone 1 area. This area includes only the cities and towns in the counties of Hampden and Hampshire, in the Commonwealth of Massachusetts.

SEC. 3. *Sellers and sales covered by this area milk price regulation.* The provisions of this area milk price regulation cover only certain sales by processors and distributors. It does not cover the sale of raw milk from one processor to another processor. Whether the regulation covers a particular sale by a processor or distributor shall be determined as follows:

(a) *Sales by processors to distributors.* This regulation covers a sale by a processor to a distributor if the processor's plant from which delivery is made is located in the area without regard to the location of the distributor.

(b) *Sales by a processor and by a distributor to other buyers.* This regulation covers sales by a processor, and by a distributor, to a buyer other than a distributor, if the place to which delivery is made is located in the area. Examples of such buyers are retail customers, stores, restaurants and hospitals. Sales to chain stores are covered by this regulation if the milk product will be resold by the chain's outlets in the area.

SEC. 4. *How you determine your ceiling prices.* Your ceiling prices for all milk products for fluid consumption shall be those computed in accordance with the provisions of sections 5 and 6 or as determined under section 9 of this regulation, as adjusted from time to time due to fluctuations in the cost to you of raw milk and other agricultural commodities used in the milk product, in accordance with the provisions of sections 7 and 8 of this regulation.

SEC. 5. *How ceiling prices are determined for sales by processors to distributors.* This section covers all sales by processors to distributors of milk products for fluid consumption.

(a) A processor may add to the highest price he charged a distributor for each of the below-listed milk products for fluid consumption during the period December 19, 1950, through January 25, 1951, the uniform adjustment listed opposite each such product:

[In cents]

Product	Container size						
	½ pint	Pint	Quart	8 ounces	12 ounces	16 ounces	5 pounds
Standard grade family milk	0.125	0.250	0.500				
Cream cottage cheese				1.00	1.750	2.250	11.250

(b) A processor must subtract from the highest price he charged a distributor for the below-listed milk product for fluid consumption during the period December 19, 1950, through January 25, 1951, the uniform adjustment listed opposite that product:

[In cents]

Product	Container size		
	½ pint	Pint	Quart
Heavy cream (above 34 percent butterfat)	No Adjustment		
Light cream (16–34 percent butterfat)	.75	1.50	3.00

(c) The adjustment which a processor makes to his ceiling price on January 26, 1951, of a product listed in paragraphs (a) or (b) of this section but bottled or packaged in an unlisted container size shall be computed as follows:

(1) Multiply the ceiling price on January 26, 1951, of the unlisted product by the adjustment listed in paragraphs (a) or (b) of this section whichever is applicable, for the listed product.

(2) Divide the result obtained in subparagraph (1) of this paragraph by the ceiling price on January 26, 1951, of the listed product.

(d) The ceiling price which a processor may charge for a product other than those listed in paragraphs (a) or (b) of this section, whichever is applicable, shall be the ceiling price for the most similar listed product adjusted by the typical differential between the price of such listed product and the price of the unlisted product. "Typical differential" as used in this section means the difference between the ceiling price on January 26, 1951, of the most similar listed product and the ceiling price on January 26, 1951, of the unlisted product. If you did not have ceiling prices

for these commodities on January 26, 1951, apply for a ceiling price under section 9.

SEC. 6. *How ceiling prices are determined for sales by processors and distributors to buyers other than distributors.* This section covers all sales of milk products for fluid consumption by processors and distributors to buyers other than distributors.

(a) A seller may add to the highest price he charged for each of the below-listed products in a sale to a home or store during the period December 19, 1950, through January 25, 1951, the uniform adjustments listed opposite each such product in the following table:

[In cents]

Product	Home delivered			Store delivered		
	½ pint	Pint	Quart	½ pint	Pint	Quart
Standard family milk	Not applicable		1.00	0.25	0.50	1.00
Light cream (16–34 percent butterfat)	No adjustment			No adjustment		
Heavy cream (above 34 percent butterfat)	No adjustment			No adjustment		

Product	Home delivered				Store delivered			
	8 ounces	12 ounces	16 ounces	5 pounds	8 ounces	12 ounces	16 ounces	5 pounds
Cream cottage cheese	1.50	2.50	3.50	17.50	1.50	2.50	3.50	17.50

(b) Listed commodities in other size containers: The adjustment which a processor or distributor makes to his ceiling price on January 26, 1951, or a product listed in paragraph (a) of this section but bottled or packaged in an unlisted container size shall be computed as follows:

(1) Multiply the ceiling price on January 26, 1951, of the unlisted product by the adjustment listed in paragraph (a) of this section for the listed product.

(2) Divide the result obtained in subparagraph (1) of this paragraph by the ceiling price on January 26, 1951, of the listed product.

(c) The ceiling price which a processor or distributor may charge for a product other than those listed in paragraph (a) of this section shall be the ceiling price of the most similar listed product adjusted by the typical differential between the price of such listed product and the price of the unlisted product. "Typical differential" as used in this section means the difference between the ceiling price on January 26, 1951, of the most similar listed product and the ceiling price on January 26, 1951, of the unlisted product. If you did not have ceiling prices for these commodities on January 26, 1951, apply for a ceiling price under section 9.

SEC. 7. *Parity adjustment for processors.* (a) This section applies to you if you are a processor of a milk product for fluid consumption and if (1) the producer price you have incurred for a current customary purchase of milk or cream differs from the producer price specified in paragraph (c) of this section or (2) the producer price you have incurred for a current customary purchase of milk or cream differs from the producer price specified in the letter from your District Office notifying you of your ceiling prices as determined under section 9.

(b) You may increase and you must decrease your ceiling prices established by sections 5, 6 and 9 of this regulation for each item of a milk product for fluid consumption in accordance with the method prescribed in section 7 of Supplementary Regulation 63 to the General Ceiling Price Regulation. However, if any of your ceiling prices are determined under section 9 of this regulation, you must refer to the producer prices specified in the letter from your District Office notifying you of said ceiling prices, and not to the prices specified in paragraph (c) of this section.

(c) (1) The following producer prices for milk and cream are specified for the entire area:

40-quart can of 40 percent bottling quality cream, f. o. b. Boston	$29.706
Gross skim value for 90 pounds skim per 100 pounds Class II milk	.9938

(2) The producer prices for milk with 3.7 percent butterfat content listed opposite each Massachusetts milk marketing area in the following table are specified for each such marketing area:

Massachusetts milk marketing areas	Class I milk	
	Per hundredweight	Per quart
6A	$6.61	$0.14215
5A, 5B, 9E	6.63	.14258

(3) The producer prices specified above are those announced by the respective Federal Milk Market Administrator or by the Massachusetts Milk Control Board for the month of September, 1951, in the case of cream and skim and for the month of October, 1951, in the case of Class I milk.

(d) How you should compute your parity adjustments:

Example. You are a processor of fluid milk in quart containers. The specified producer price in the area price regulation is $6.61 per hundredweight, and the producer price is later decreased to $6.17 per hundredweight. On the basis of 46½ quarts of milk bottled from 100 pounds of milk, you must decrease your ceiling price as determined by this regulation by 0.946 cents per quart. However, this price adjustment is also subject to "rounding" off pursuant to the provisions of section 8 (b) of Supplementary Regulation 63 to the General Ceiling Price Regulation.

For other examples of decreases and of increases see the provisions of section 8 (b) (2) of Supplementary Regulation 63 to the General Ceiling Price Regulation.

SEC. 8. *Parity adjustments for distributors.* This section applies to you if (a) you are a distributor of an item of a milk product for fluid consumption, and (b) the cost to you of a current customary purchase of the milk item differs from the highest ceiling price established by section 5 or section 9 of this regulation for a purchase from a customary source of supply, and (c) the change in cost to you is due to the operation of the provisions of section 7 of this regulation. In such a case on the first day following the effective change in your cost, you may increase and you must decrease your ceiling prices established by this regulation by the dollars-and-cents difference per item in these costs.

SEC. 9. *Sellers who cannot price under other sections.* If you are unable to establish a ceiling price for the sale of an item covered by this regulation either because you did not have a ceiling price under the General Ceiling Price Regulation for a product listed in sections 5 or 6, or because you did not sell a product listed in sections 5 or 6 in any of the container sizes therein listed, or for any other reason, you may, in writing, apply to this District Office of the Office of Price Stabilization for a determination of a ceiling price for the sale of that product or of the method you shall use for computing a ceiling price for the item. This application shall contain an explanation of why you are unable to determine your ceiling price under any other provision of this regulation; all pertinent information describing the item; your proposed ceiling price and the method used by you to determine it; and the reason you believe the proposed prices are in line with the level of ceiling prices otherwise established by this regulation. You may not sell that item until the Director of the Springfield District Office of the Office of Price Stabilization, in writing, notifies you of your ceiling price or method of computing your ceiling price.

SEC. 10. *Customary price differentials.* Your ceiling prices for a milk product for fluid consumption, when determined, shall reflect your customary price differentials, including discounts, alowances, premiums and extras, based upon differences in classes or location of purchasers, or in terms and conditions of sale or delivery.

SEC. 11. *Rounding.* (a) In computing a parity adjustment under section 7 or 8 of this regulation, you shall apply the rounding provisions of section 8 (b) of Supplementary Regulation 63 to the General Ceiling Price Regulation.

(b) In computing your ceiling prices under sections 5 or 6 of this regulation, or in computing a final ceiling price after having rounded your parity adjustment under paragraph (a) of this section, you shall apply the following rounding provisions to determine your ceiling price for a particular sale of an item:

(1) If you are selling a single unit of an item and your computation for that item results in an amount per unit that includes a fraction less than half a cent, your ceiling price for that single unit shall be the amount of the computation less the fraction; if the amount includes a fraction of a half cent or more, your ceiling price for that single unit may be increased to the next higher cent.

(2) If you are selling a quantity of units of an item rather than one unit of that item and your computation results in an amount per unit that includes a fraction, multiply the amount per unit times the quantity of units. If the result includes a fraction less than half a cent, your ceiling price shall be that result less that fraction. If the result includes a fraction of half a cent or more, your ceiling price may be increased to the next higher cent.

SEC. 12. *Reports.* (a) Within five days after the effective date of this regulation, you shall deposit in the mail a registered letter to the Director of the Springfield District Office of the Office of Price Stabilization, Springfield 3, Massachusetts, notifying the Director of your ceiling prices, as determined by you under section 5 or section 6 of this regulation, for each item of a milk product for fluid consumption.

(b) Within five days after the date on which a producer price incurred for your most current customary purchase of Class I milk, skim or cream, is less than the producer price for the same material specified in section 7 (c) of this regulation, you shall deposit in the mail a registered letter to the Director of the Springfield District Office of the Office of Price Stabilization, Springfield 3, Massachusetts, giving the following information:

(1) The federal or state milk marketing area in which your processing plant is located;

(2) Your ceiling price, as determined under Section 5 of this regulation for each item of a milk product for fluid consumption;

(3) The adjusted ceiling price for each item of a milk product for fluid consumption determined under section 7 of this regulation.

(c) Upward adjustments in your ceiling prices, pursuant to section 7 of this regulation, may not be made before you deposit in the mail a registered letter to the Director of the Springfield District Office of the Office of Price Stabilization, Springfield 3, Massachusetts, giving the information listed in paragraph (b) of this section.

SEC. 13. *Transfers of business or stock in trade.* If the business, assets or stock in trade of a processor or distributor is sold or otherwise transferred after the effective date of this regulation, and the transferee carries on the business, or continues to deal in milk products for fluid consumption, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject under this area milk price regulation if no such sale or transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee, all records of transactions prior to the sale or transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

SEC. 14. *Records.* (a) With respect to milk products covered by this area milk price regulation, the provisions of section 16 of the General Ceiling Price Regulation are hereby continued in effect, insofar as they apply to the preparation and preservation of "base period records" and such "current records" as were required to be made with reference to sales between January 26, 1951, and the effective date of this regulation.

(b) You shall prepare and preserve for the life of the Defense Production Act of 1950, as amended, and for two years thereafter, and keep available for examination by the Office of Price Stabilization all records showing, with respect to milk products covered by this area milk price regulation, prices and material and labor costs in the period January 1, to June 30, 1950 inclusive; records, showing cost, prices, and sales for the other applicable periods and dates referred to in Supplementary Regulation 63 to the General Ceiling Price Regulation, and records necessary to determine whether you have computed your ceiling prices correctly. The records to be preserved under this paragraph must include appropriate work sheets. The work sheets may be in any convenient form so long as they include all data and calculations required to determine your ceiling prices.

(c) You must prepare and keep available for examination by the Office of Price Stabilization for a period of two years, records of the kind which you customarily keep showing the prices which you charge for milk products covered by this area milk price regulation.

SEC. 15. *Evasion.* Any practice which results in obtaining indirectly a higher price than is permitted by this area milk price regulation is a violation of this regulation. Such practices include, but are not limited to, devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, tie-in agreements, and trade understandings.

SEC. 16. *Charges lower than ceiling prices.* Lower prices than those established under this regulation may be charged, demanded, paid or offered.

SEC. 17. *Sales, slips, and receipts.* If you have customarily given a purchaser a sales slip, receipt, or similar evidence of purchase, you shall continue to do so. Upon request from a purchaser, regardless of previous custom, you shall give the purchaser a receipt showing the date, your name and address, the name of each item sold, and the price received for it.

SEC. 18. *Power of Director to disapprove and revise reported prices.* The Director of the Springfield District Office of the Office of Price Stabilization may at any time disapprove and revise downward ceiling prices reported pursuant to the provisions of section 12 of this regulation, so as to bring prices so reported into line with the level of ceiling prices for items of milk products otherwise prevailing in the area, pursuant to the provisions of this regulation.

SEC. 19. *Definitions.* (a) The definitions of the following terms used in this regulation are the same as the definitions for these terms in Supplementary Regulation 63 to the General Ceiling Price Regulation: Distributor, item, milk products for fluid consumption, person, processor, sales outlet, you.

(b) "Producer price" means the price paid by a processor for raw milk sold to him by a dairy farmer.

SEC. 20. *Prohibitions.* A processor and a distributor may not sell or buy an item of a milk product for fluid consumption at a price higher than the ceiling price established by this regulation.

SEC. 21. *Penalties.* Persons violating any provision of this area milk price regulation are subject to the criminal penalties, civil enforcement actions, and suits for damages provided for by the Defense Production Act of 1950, as amended.

Effective date. This area milk price regulation, pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation, is effective December 19, 1951.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

GILBERT C. HANCOCK,
Director of the Springfield District Office.

DECEMBER 19, 1951.

[F. R. Doc. 51-15180; Filed, Dec. 19, 1951; 4:58 p. m.]

[General Overriding Regulation 9, Amdt. 12]

GOR 9—EXEMPTIONS OF CERTAIN INDUSTRIAL MATERIALS AND MANUFACTURED GOODS

SUSPENSION OF APPLICATION OF CEILING PRICE REGULATIONS TO SALES OF NEW AND USED AIRCRAFT AND AIRCRAFT PARTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 12 to General Overriding Regulation 9 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment suspends sales of aircraft and aircraft parts from price control. Aircraft parts are defined as those parts that are designed for use exclusively in aircraft.

Sales of purely military aircraft and parts purchased by Defense Agencies have been previously exempted from price control. However, it appears that the demands of the National Defense program make this exemption too nar-

row to accomplish its purpose. Many aircraft parts cannot be segregated into exempt or non-exempt classes. Such aircraft part are presently subject to price ceilings, although they are seriously affected by approximately the same considerations that make it expedient to exempt military aircraft. In addition, passenger and cargo craft which are designed for, or are suitable for, non-military use are also needed in large numbers by defense agencies.

The pricing pattern which was the outgrowth of a relatively limited demand for aircraft and aircraft parts has been subjected to severe strains by the tremendous expansion of production required in a short space of time. This has involved extensive use of employees' overtime, additional shifts and the greatly increased use of subcontracting. The rapid expansion of the industry involves more costly modes of production and greatly increased investment in new facilities, particularly by those who have not had prior experience and plant facilities for this type of production. While there will be offsetting decreases in overhead costs per unit, due to expanded production and overtime work as a whole, inexperienced personnel, extra shifts, extra maintenance and training, and the heavy starting costs of the new contractor and the subcontractor have so increased unit costs in relation to ceiling prices as to deter the further expansion of production. Furthermore, military contracts frequently call for a production capacity substantially greater than that required to meet present schedules. In such cases, unit costs do not correctly reflect normal production costs, thus making it difficult to subject them to conventional price ceilings at this time. It also appears, that under present ceilings new producers entering the field will not be able to amortize their heavy "starting-up" costs in the time period they require. Finally, there is the difficulty of arriving at a pricing formula sufficiently elastic to cover frequent design changes determined by military considerations and new products continually developed in a dynamic and rapidly changing field.

The Director has given much thought to the problem of arriving at a pricing technique under all the above circumstances. He has concluded that there is no practicable method of establishing price ceilings at the present time without at the same time impeding the flow of these essential defense items. Nevertheless, the enormous volume of purchases of aircraft by the government makes any decision to suspend or exempt a grave one. While the insistent demands of the defense program may result in certain increases in prices (occasioned by starting-up costs, overtime, etc.), it is imperative that price rises not directly resulting from such conditions do not take place. It is, however, the Director's belief that other means are available which will for the time being deter inflationary forces. By far the great part of the purchases of these commodities is by the government whose contracting officers always have before them the objective of strict economy and the prevention of inflationary spending, i. e., expenditure not based on a rigid scrutiny of costs and profit margins. The techniques of recalculation of prices (as increased efficiency and volume of production permit a reduction in unit price) and renegotiation to recover excessive profits are also available.

The Director does not suggest that careful contracting, recalculation of prices, and renegotiation of contracts is a complete substitute for price control. In particular, the recovery at some future date of profits resulting from prices that are too high today does not prevent the immediate inflationary effect of high prices. It is solely in view of all the circumstances set forth at the outset that reliance is being placed on these mechanisms. While no one of the particular circumstances set forth could persuade the Director to take the action contemplated by this amendment, the effect of all the considerations together has been deciding. It is the Director's purpose, nevertheless, to maintain the closest scrutiny over prices of aircraft and aircraft parts and to carry out the mandate of Congress, as expressed in section 401 of the Defense Production Act, "to assure that defense appropriations are not dissipated by excessive costs and prices." It will be specifically noted that this amendment provides for a suspension and not for exemption. If at any time the expectation of the Director that prices will be maintained at reasonable levels is not met, the Director proposes to reinstate price control.

The suspensions set forth herein are pursuant to an understanding between the Office of Price Stabilization and the Munitions Board. As a result of this understanding;

(1) The Office of Price Stabilization will collaborate with the Department of Defense in reviewing defense contract pricing and repricing policies, procedures and practices for aircraft, and other items purchased by the military, at all procurement levels and will make such visits to military procurement offices as the Office of Price Stabilization deems advisable in this connection.

(2) The Office of Price Stabilization will recommend procurement pricing policies, procedures and practices which it deems essential to accomplish the objectives of the price stabilization program.

(3) The Department of Defense will supply to the Office of Price Stabilization statistical data requested by the Office of Price Stabilization on the amount of procurement under each major type of contract; on prices for commercial type items of military procurement; and on prices, costs, profit allowances and explanations of trends therein, for a list of selected, representative military type end items, components, parts, and subassemblies.

(4) The Munitions Board and the Office of Price Stabilization have further agreed that if obstacles, such as shortages of qualified personnel involved in contract pricing or repricing, including price estimation, analysis, auditing, or statistical reporting of contract prices should prevent adequate discharge of contract pricing or repricing operations, the Office of Price Stabilization has an obligation under the Defense Production Act to reconsider any existing or later exemptions or suspensions of military procured items from price ceiling regulations.

Before the issuance of this amendment consultation was had with various representatives of the aircraft and aircraft parts industry and due consideration was given to their recommendations.

AMENDATORY PROVISIONS

Section 2 (b) of General Overriding Regulation 9 is amended by addition of the following:

(6) *Aircraft and aircraft parts.* Sales by the manufacturer of new and unused aircraft and aircraft parts. Aircraft means any structure designed for navigation in the air or simulated flight training purposes, except projectiles not containing their own propellant. Aircraft parts include all components, parts, subassemblies, adjuncts, and accessories of aircraft (except tires and tubes) which are designed for use exclusively as aircraft parts and which have been machined or fabricated so as to permit use only in the manufacture, modification, or maintenance of aircraft.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective December 19, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

DECEMBER 19, 1951.

[F. R. Doc. 51-15181; Filed, Dec. 19, 1951; 4:59 p. m.]

[Ceiling Price Regulation 22, Amendment 38]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

REMOVAL OF EXEMPTION OF TITANIUM DIOXIDE

Pursuant to the Defense Production Act of 1950, as amended, (Pub. Law 774, 81st Cong., Pub. Law 96, 82nd Cong.), Executive Order 10161 (15 F. R. 6105), and economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 38 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation places titanium dioxide under the provisions of Ceiling Price Regulation 22, although this commodity is technically a metallic oxide.

Ceiling Price Regulation 22 exempts metallic oxides generally because it was recognized that, in general, the prices of metallic oxides and metallic by-products were subject to fluctuation in accordance with the prices of the primary metals from which they were derived. This is not true, however, of titanium dioxide. At the present time, although titanium metal is of increasing commercial interest, its high cost still precludes widespread usage except for certain specialized applications. The processing of titanium ores is carried on industrially with the object of extracting therefrom titanium dioxide, and not the metal.

The price of titanium dioxide, unlike the price of other metallic oxides, is therefore, not tied to the price of the metals. By far the greatest proportion of titanium consumed is in the form of purified titanium dioxide or mixtures thereof with other substances, such as zinc oxide, barium or calcium sulphate, and the like, as a pigment in paints, enamels, rubber, plastics and similar materials. The price of titanium dioxide bears no relation to its titanium metal content, but is determined upon the basis of cost of ore and processing costs. The extraction of titanium dioxide from the ore and its purification is primarily a chemical rather than a metallurgical process. For these reasons, it is deemed to be subject to the same type of price control as other types of chemical manufacturing. The industry generally regards titanium dioxide as a chemical and did not consider it to have been affected by the exclusion of metallic oxides from Ceiling Price Regulation 22. In view of all these facts, it is deemed appropriate to treat it as a chemical and restore it to the coverage of Ceiling Price Regulation 22.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

In view of the nature of this amendment, the Director has not found it practicable or necessary to consult formally with industry representatives, but consultations have been held with individual sellers, and this amendment in general follows their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 22, Appendix A, paragraph (r) is amended to read as follows:

(r) Primary metals, metallic alloys, metallic oxides (except titanium dioxide), and metallic by-products, specifically including metal products containing tungsten as defined in Supplementary Regulation 42 to the General Ceiling Price Regulation.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective on the 26th day of December 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

DECEMBER 20, 1951.

[F. R. Doc. 51-15211; Filed, Dec. 20, 1951; 4:00 p. m.]

[Ceiling Price Regulation 34, Amendment 1 to Supplementary Regulation 3]

CPR 34—SERVICES

SR 3—APPROVAL OF CERTAIN AUTOMOTIVE AND FARM TRACTOR REPAIR SERVICE FLAT RATE MANUALS

APPROVAL OF ADDITIONAL FLAT RATE MANUAL OR SUPPLEMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Supplementary Regulation 3 (16 F. R. 8828) to Ceiling Price Regulation 34, is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 3 to Ceiling Price Regulation 34, issued August 30, 1951 (16 F. R. 8828) granted approval and provided methods for the use of certain flat rate manuals and labor schedules used by suppliers of automotive and farm tractor repair services under section 12 (g) of Ceiling Price Regulation 34. Section 4 of that supplementary regulation provide that approval of additional flat rate manuals or labor schedules would be granted, if OPS requirements are met, by an amendment to the supplementary regulation. This amendment adds approved flat rate manuals or labor schedules to that supplementary regulation.

These flat rate manuals and schedules incorporate time allowance modifications resulting from changes in design; changed or added operations; corrections of typographical or clerical errors which appeared in previous issues of these manual or labor schedules; revised time allowances for restudied operations. An analysis of such changes indicates that they will not in the overall increase the price of automobile and farm tractor repair services to the consumer.

The considerations which were set forth in the Statement of Considerations to Supplementary Regulation 3 to Ceiling Price Regulation 34 are equally applicable to the approval of the flat rate manuals and labor schedules approved by this amendment.

The routine character of the approval granted by this amendment made it unnecessary and impracticable to consult formally with industry representatives, although in each instance representatives of the publishers of the manuals and labor schedules were consulted, and consideration was given to their recommendations. In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Supplementary Regulation 3 to Ceilin Price Regulation 34 is amended in the following respects:

1. Section 2 is amended by adding after paragraph (e), paragraphs (f) through (q) inclusive as follows:

(f) National Automobile Parts and Labor Manual, 1951 Supplement Section (blue sheets and pink sheets);

(g) Buick Flat Rate Manual, 1951, Chassis;

(h) Cadillac Flat Rate Schedule for 1949–51 Cadillac Cars;

(i) 1951 Supplement to Chevrolet Chassis Flat Rate Schedule;

(j) DeSoto Service Operations Time Schedule Manual (No. D–13884, 1951);

(k) Dodge Service Operation Time Schedule Manual (No. D–13883, 1951);

(l) Ford Suggested Time Schedule (1951—white sheets);

(m) Oldsmobile Flat Rate Manual for Oldsmobile Cars 1951;

(n) Plymouth Service Operation Time Schedule Manual (No. D–13784, August 1951);

(o) Pontiac Flat Rate Manual, 1949–50–51 (as supplemented by Pontiac Supplement to Flat Rate Manual 1949–50–51);

(p) Studebaker Operation Step and Time Guide, 1951 Champion, Commander;

(q) Studebaker Preliminary Service Operation Time Guide covering Studebaker Automatic Drive Subassemblies and Miscellaneous Parts.

2. Appendices F through Q are added after Appendix E.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154.)

Effective date. This Amendment to Supplementary Regulation 3 to Ceiling Price Regulation 34 shall be effective on December 26, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

DECEMBER 20, 1951.

APPENDIX F

This is the "Notice" for the National Automobile Parts and Labor Manual, 1951 Supplement Section:

NOTICE

You are permitted by OPS to use this manual to arrive at your ceiling price for a given job:

If—

(1) You use the Hour Rate and Wage Computation Table given on pages 378 to 381 of the National Automobile Parts and Labor Manual to compute the ceiling price for each job, by multiplying the time allowance of each operation by your customers' hourly rate, which you charged in the base period, December 19, 1950 to January 25, 1951 inclusive, and;

(2) Your present ceiling price for that job, as determined under section 5 of Ceiling Price Regulation 34, is not a "fixed charge" which is lower than the price you determined by the use of this Manual (a fixed charge is a charge not computed on the basis of the hourly rate. Examples: Minor tune-up, all Blank Models, $------, Relining brakes on 1951 Blank Cars, $------); and

(3) The supplementary statement which you file shows that the job is included among those jobs for which you will hereinafter determine your ceiling price by use of this Manual. (You must file with your OPS District Office in accordance with Section 18 of Ceiling Price Regulation 34 your intention to use all or any part of this Manual for pricing purposes.)

Important: In case you are in doubt about your ceiling prices, consult your OPS District Office.

This Notice must be attached to your manual.

APPENDIX G

This is the "Notice" for the Buick Flat Rate Manual, 1951, Chassis:

NOTICE

You are permitted by OPS to use this manual to arrive at your ceiling price for a given job:

If—

(1) You use the Computation Table given on pages 88 to 95 of the Buick Flat Rate Manual, 1951, Chassis, to compute the ceiling price for each job, by multiplying the time allowance of each operation by your customers' hourly rate, which you charged in the base period, December 19, 1950, to January 25, 1951, inclusive; and

(2) Your present ceiling price for that job, as determined under section 5 of Ceiling Price Regulation 34, is not a "fixed charge" which is lower than the price you determined by the use of this Manual (a fixed charge is a charge not computed on the basis of the hourly rate. Examples: Minor tune-up, all Blank Models, $_____, Relining brakes on 1951 Blank Cars, $_____); and

(3) The supplementary statement which you file shows that the job is included among those jobs for which you will hereinafter determine your ceiling price by use of this Manual. (You must file with your OPS District Office in accordance with Section 18 of Ceiling Price Regulation 34 your intention to use all or any part of this Manual for pricing purposes.)

Important: In case you are in doubt about your ceiling prices, consult your OPS District Office.

This Notice must be attached to your manual.

APPENDIX H

This is the "Notice" for the Cadillac Flat Rate Schedule for 1949–51 Cadillac Cars:

NOTICE

You are permitted by OPS to use this manual to arrive at your ceiling price for a given job:

If—

(1) You use the Computation Table given on pages XIX to XXI (Preceding Group Section 1) of the Cadillac Flat Rate Schedule for 1949–51 Cadillac Cars to compute the ceiling price for each job, by multiplying the time allowance of each operation by your customers' hourly rate, which you charged in the base period, December 19, 1950 to January 25, 1951, inclusive; and

(2) Your present ceiling price for that job, as determined under section 5 of Ceiling Price Regulation 34, is not a "fixed charge" which is lower than the price you determined by the use of this Manual (a fixed charge is a charge not computed on the basis of the hourly rate. Examples: Minor tune-up, all Blank Models, $_____, Relining brakes on 1951 Blank Cars, $_____); and

(3) The supplementary statement which you file shows that the job is included among those jobs for which you will hereinafter determine your ceiling price by use of this Manual. (You must file with your OPS District Office in accordance with Section 18 of Ceiling Price Regulation 34 your intention to use all or any part of this Manual for pricing purposes.)

Important: In case you are in doubt about your ceiling prices, consult your OPS District Office.

This Notice must be attached to your Manual.

APPENDIX I

This is the "Notice" for the 1951 Supplement to Chevrolet Chassis Flat Rate Schedule:

NOTICE

You are permitted by OPS to use this Manual to arrive at your ceiling price for a given job:

If—

(1) You use the Computation Table given on pages 7 and 8 of the 1946–1950 Chevrolet Chassis Flat Rate Schedule to compute the ceiling price for each job, by multiplying the time allowance of each operation by your customers' hourly rate, which you charged in the base period, December 19, 1950 to January 25, 1951, inclusive; and

(2) Your present ceiling price for that job, as determined under section 5 of Ceiling Price Regulation 34, is not a "fixed charge" which is lower than the price you determined by the use of this Manual (a fixed charge is a charge not computed on the basis of the hourly rate. Examples: Minor tune-up, all Blank Models, $_____, Relining brakes on 1951 Blank Cars, $_____; and

(3) The supplementary statement which you file shows that the job is included among those jobs for which you will hereinafter determine your ceiling price by use of this Manual. (You must file with your OPS District Office in accordance with Section 18 of Ceiling Price Regulation 34 your intention to use all or any part of this Manual for pricing purposes.)

Important: In case you are in doubt about your ceiling prices, consult your OPS District Office.

This Notice must be attached to your Manual.

APPENDIX J

This is the "Notice" for the DeSoto Operation Time Schedule Manual (No. D–13884, 1951):

NOTICE

You are permitted by OPS to use this Manual to arrive at your ceiling price for a given job:

If—

(1) You use the Labor Conversion Table, in the back part of the Manual, to compute the ceiling price of each job, by multiplying the time allowance of each operation by your customers' hourly rate, which you charged in the base period, December 19, 1950 to January 25, 1951, inclusive; and

(2) Your present ceiling price for that job, as determined under section 5 of Ceiling Price Regulation 34, is not a "fixed charge" which is lower than the price you determined by the use of this Manual (a fixed charge is a charge not computed on the basis of the hourly rate. Examples: Minor tune-up, all Blank Models, $_____, Relining brakes on 1951 Blank Cars, $_____; and

(3) The supplementary statement which you file shows that the job is included among those jobs for which you will hereinafter determine your ceiling price by use of this Manual. (You must file with your OPS District Office in accordance with Section 18 of Ceiling Price Regulation 34 your intention to use all or any part of this Manual for pricing purposes.)

Important: In case you are in doubt about your ceiling prices, consult your OPS District Office.

This Notice must be attached to your manual.

APPENDIX K

This is the "Notice" for the Dodge Service Operation Time Schedule Manual (No. D–13883, 1951):

NOTICE

You are permitted by OPS to use this Manual to arrive at your ceiling price for a given job:

If—

(1) You use the Labor Conversion Table in the back part of the Manual, to compute the ceiling price of each job, by multiplying the time allowance of each operation by your customers' hourly rate, which you charged in the base period, December 19, 1950 to January 25, 1951, inclusive; and

(2) Your present ceiling price for that job, as determined under section 5 of Ceiling Price Regulation 34, is not a "fixed charge" which is lower than the price you determined by the use of this Manual (a fixed charge is a charge not computed on the basis of the hourly rate. Examples: Minor tune-up, all Blank Models, $_____, Relining brakes on 1951 Blank Cars, $_____); and

(3) The supplementary statement which you file shows that the job is included among other jobs for which you will hereinafter determine your ceiling price by use of this Manual. (You must file with your OPS District Office in accordance with Section 18 of Ceiling Price Regulation 34 your intention to use all or any part of this Manual for pricing purposes.)

Important: In case you are in doubt about your ceiling prices, consult your OPS District Office.

This Notice must be attached to your manual.

APPENDIX L

This is the "Notice" for the Ford Suggested Time Schedule (1951-white sheets):

NOTICE

You are permitted by OPS to use this Manual to arrive at your ceiling price for a given job:

If—

(1) You use the Labor Conversion Table, pages v to x (in the "Computation" section) to compute the ceiling price of each job, by multiplying the time allowance of each operation by your customers' hourly rate, which you charged in the base period, December 19, 1950 to January 25, 1951, inclusive; and

(2) Your present ceiling price for that job, as determined under section 5 of Ceiling Price Regulation 34, is not a "fixed charge" which is lower than the price you determined by the use of this Manual (a fixed charge is a charge not computed on the basis of the hourly rate. Examples: Minor tune-up, all Blank Models, $_____, Relining brakes on 1951 Blank Cars, $_____); and

(3) The supplementary statement which you file shows that the job is included among those jobs for which you will hereinafter determine your ceiling price by use of this Manual. (You must file with your OPS District Office in accordance with Section 18 of Ceiling Price Regulation 34 your intention to use all or any part of this Manual for pricing purposes.)

Important: In case you are in doubt about your ceiling prices, consult your OPS District Office.

This Notice must be attached to your manual.

APPENDIX M

This is the "Notice" for the Oldsmobile Flat Rate Manual for Oldsmobile Cars 1951:

NOTICE

You are permitted by OPS to use this Manual to arrive at your ceiling price for a given job:

If—

(1) You use the Selling Price—Computation Table inserted in the back of your Oldsmobile Flat Rate Manual to compute the ceiling price for each job, by multiplying the time allowance of each operation by your customers hourly rate, which you charged in the base period, December 19, 1950 to January 25, 1951, inclusive; and

(2) Your present ceiling price for that job, as determined under section 5 of Ceiling Price Regulation 34, is not a "fixed charge" which is lower than the price you determined by the use of this Manual (a fixed charge is a charge not computed on the basis of the hourly rate. Examples: Minor tune-up, all Blank Models, $_____, Relining brakes on 1951 Blank Cars, $_____); and

(3) The supplementary statement which you file shows that the job is included among those jobs for which you will hereinafter determine your ceiling price by use of this Manual. (You must file with your OPS District Office in accordance with Section 18 of Ceiling Price Regulation 34 your intention to use all or any part of this Manual for pricing purposes.)

Important: In case you are in doubt about your ceiling prices, consult your OPS District Office.

This Notice must be attached to your manual.

APPENDIX N

This is the "Notice" for the Plymouth Service Operation Time Schedule Manual (No. D-13784, August, 1951):

NOTICE

You are permitted by OPS to use this Manual to arrive at your ceiling price for a given job:

If—

(1) You use the Labor Conversion Table on pages 6 and 7 in the back part of the Manual to compute the ceiling price for each job, by multiplying the time allowance of each operation by your customers' hourly rate, which you charged in the base period, December 19, 1950 to January 25, 1951, inclusive; and

(2) Your present ceiling price for that job, as determined under section 5 of Ceiling Price Regulation 34, is not a "fixed charge" which is lower than the price you determined by the use of this Manual (a fixed charge is a charge not computed on the basis of the hourly rate. Examples: Minor tune-up, all Blank Models, $_____, Relining brakes on 1951 Model Cars, $_____); and

(3) The supplementary statement which you file shows that the job is included among those jobs for which you will hereinafter determine your ceiling price by use of this Manual. (You must file with your OPS District Office in accordance with Section 18 of Ceiling Price Regulation 34 your intention to use all or any part of this Manual for pricing purposes.)

Important: In case you are in doubt about your ceiling prices, consult your OPS District Office.

This Notice must be attached to your manual.

APPENDIX O

This is the "Notice" for the Pontiac Flat Rate Manual, 1949-50-51 as supplemented by Pontiac Supplement to Flat Rate Manual 1949-50-51:

NOTICE

You are permitted by OPS to use this Manual, and you must use the Supplement, to arrive at your ceiling price for a given job:

If—

(1) You use the computation table printed on pages 135 to 137 of the Pontiac Flat Rate Manual 1949-50-51 to compute the ceiling price for each job, by multiplying the time allowance of each operation by your customers' hourly rate, which you charged in the base period, December 19, 1950 to January 25, 1951, inclusive; and

(2) Your present ceiling price for that job, as determined under section 5 of Ceiling Price Regulation 34, is not a "fixed charge" which is lower than the price you determined by the use of this Manual (a fixed charge is a charge not computed on the basis of the hourly rate. Examples: Minor tune-up, all Blank Models, $_____, Relining brakes on 1951 Blank Cars, $_____); and

(3) The supplementary statement which you file shows that the job is included among those jobs for which you will hereinafter determine your ceiling price by use of this Manual. (You must file with your OPS District Office in accordance with section 18 of Ceiling Price Regulation 34 your intention to use all or any part of this Manual for pricing purposes.)

Important: In case you are in doubt about your ceiling prices, consult your OPS District Office.

This Notice must be attached to your manual.

APPENDIX P

This is the "Notice" for the Studebaker Operation Step and Time Guide, 1951 Champion, Commander:

NOTICE

You are permitted by OPS to use this manual to arrive at your ceiling price for a given job:

If—

(1) You use the computation table on the pink sheet near the front of the manual preceding "Group A, page 1" of the Studebaker Operation Step and Time Guide, 1951 Champion, Commander, to compute the ceiling price for each job, by multiplying the time allowance of each operation by your customers' hourly rate, which you charged in the base period, December 19, 1950 to January 25, 1951, inclusive; and

(2) Your present ceiling price for that job, as determine under section 5 of Ceiling Price Regulation 34, is not a "fixed charge" which is lower than the price you determined by the use of this Manual (a fixed charge is a charge not computed on the basis of the hourly rate. Examples: Minor tune-up, all Blank Models, $_____, Relining brakes on 1951 Blank Cars, $_____); and

(3) The supplementary statement which you file shows that the job is included among those jobs for which you will hereinafter determine your ceiling price by use of this Manual. (You must file with your OPS District Office in accordance with section 18 of Ceiling Price Regulation 34 your intention to use all or any part of this Manual for pricing purposes.)

Important: In case you are in doubt about your ceiling prices, consult your OPS District Office.

This Notice must be attached to your manual.

APPENDIX Q

This is the "Notice" for the Studebaker Preliminary Service Operation Time Guide covering Studebaker Automatic Drive Subassemblies and Miscellaneous Parts:

NOTICE

You are permitted by OPS to use this manual to arrive at your ceiling price for a given job:

If—

(1) You use the Computation Table on the pink sheet near the front of the Studebaker Operation Step and Time Guide, 1951 Champion, Commander, to compute the ceiling price for each job, by multiplying the time allowance of each operation by your customers' hourly rate, which you charged in the base period, December 19, 1950 to January 25, 1951, inclusive; and

(2) Your present ceiling price for that job, as determined under section 5 of Ceiling Price Regulation 34, is not a "fixed charge" which is lower than the price you determined by the use of this Manual (a fixed charge is a charge not computed on the basis of the hourly rate. Examples: Minor tune-up, all Blank Models, $_____, Relining brakes on 1951 Blank Cars, $_____); and

(3) The supplementary statement which you file shows that the job is included among those jobs for which you will hereinafter determine your ceiling price by use of this Manual. (You must file with your OPS District Office in accordance with section 18 of Ceiling Price Regulation 34 your intention to use all or any part of this Manual for pricing purposes.)

Important: In case you are in doubt about your ceiling prices, consult your OPS District Office.

This Notice must be attached to your manual.

[F. R. Doc. 51-15212; Filed, Dec. 20, 1951; 4:00 p. m.]

[Ceiling Price Regulation 55, Amdt. 7]

CPR 55—CEILING PRICES FOR CERTAIN PROCESSED VEGETABLES OF THE 1951 PACK

REMOVAL OF MAINE CANNED FRESH SHELLED BEANS FROM COVERAGE OF CPR 55

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 7 to Ceiling Price Regulation 55 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 55 removes canned fresh shelled beans, canned in the State of Maine, from the coverage of CPR 55. At the same time. Supplementary Regulation 85 to the General Ceiling Price Regulation is being issued to permit processors of this product whose factories are located in Maine to increase their GCPR ceiling prices by the difference per dozen containers between their 1950 and 1951 weighted average raw material cost, but not in excess of the maximum amounts set forth in that supplementary regulation. The maximum raw material increases allowed under the supplementary regulation are the same as those set forth in CPR 55.

Processors of fresh shelled beans in the State of Maine have represented to the Office of Price Stabilization that they are unable to determine ceiling prices under CPR 55 because fresh shelled beans were not canned during 1948 due to market conditions that year. It has also been shown that the total 1951 pack of this product will only be approximately 100,000 cases. No substantial change in the price level is expected to result from this action.

The Director has consulted with members of the industry who will be affected by this amendment and has given consideration to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 55 is amended in the following respects:

1. In section 1 (a) the listing of "Canned fresh field peas and fresh shell beans (all varieties)" is amended to read as follows:

"Canned fresh field peas and fresh shelled beans (all varieties), except fresh shelled beans canned in the State of Maine."

2. In Table I of section 2 (b), the listing in the first column of "Canned fresh field peas and fresh shell beans (all varieties)" is amended to read as follows:

"Canned fresh field peas and fresh shelled beans (all varieties) except fresh shelled beans canned in the State of Maine."

3. In Table II of section 2 (c), the listing in the first column of "Snap Beans (including fresh shelled beans)" is amended to read as follows:

"Snap beans (including fresh shelled beans except fresh shelled beans canned in Maine)."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective December 20, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

DECEMBER 20, 1951.

[F. R. Doc. 51-15204; Filed, Dec. 20, 1951; 11:34 a. m.]

[Ceiling Price Regulation 108]

CPR 108—BOXBOARD, CONTAINERBOARD, AND CERTAIN OTHER PAPERBOARD

Pursuant to the Defense Production Act of 1950, as amended, (Pub. Law 774, 81st Cong., Pub. Law 96, 82nd Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 108 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation applies to boxboard, containerboard, and certain other paperboard produced in the United States and used in the manufacture of folding boxes, set-up boxes, cans, tubes, drums, pails, corrugated or solid fibre containers, and other products. Special paperboards like cardboard, special industrial paperboard, and food container and closure paperboard for moist, liquid, oily, and frozen foods are not included in this regulation; they will be covered by other tailored regulations. This regulation covers sales by producers, their agents or representatives.

Specific dollar-and-cent ceiling prices are established for 18 standard types of boxboard and certain other paperboard, and 8 standard types of containerboard. Ceiling prices are determined by adding to or subtracting from the base prices set forth in Sections 3 and 4 of this regulation the specified price differentials for various quantities, weights, and calipers, and the base period differentials for color, test, sizes and sizing. All price differentials not specifically spelled out are the same as those charged or offered during the base period, and if a differential was not charged or offered at that time, an application must be made for its approval by the Director of Price Stabilization.

Paperboard is a general term descriptive of a sheet made of fibrous material on a paper machine or a wet machine, .012 of an inch or more in thickness. There are also included under this term certain grades of .009 of an inch or over in thickness, such as corrugating material, lightweight chip, etc. It is commonly made from wood pulp, straw, waste papers, or any combination of these. The general classifications are containerboards (usually shipped in rolls) and boxboards (customarily shipped in sheets). There are also other types of boards which fall within this group, such as binders board, etc.

According to the National Paperboard Association, 10,970,800 tons of paperboard of all kinds, valued at approximately $1,175,000,000 were produced during the year 1950. Production for the first nine months of 1951 was 9,171,529 tons or 14.4 percent higher than for the corresponding period of 1950. Based upon six days per week operating time, the capacity to produce equalled 11,918,200 tons at the close of last year and is expected to rise to 12,277,500 tons by the end of 1951. The industry in 1950 was comprised of 167 companies with 243 mills and 405 paper making machines. Thirty-six percent of the production was manufactured in the Eastern territory, 43 percent in the Midwest and South, 13 percent in the Central West, and the remaining 8 percent on the Pacific Coast. The industry employs approximately 24,500 persons in direct production and consists of about as many independent as integrated companies. During the year 1950, integrated mills produced approximately 55 percent of the liner and corrugating material, 87 percent of the chip and filler board, and 67 percent of the folding boxboard. Because of the high degree of integration in this industry, only about 50 percent of the production is sold in the market. It is this production that comes under this regulation.

Paperboard products are the most widely used type of packaging material in which American industry delivers its goods to the users. The boxes and containers manufactured from paperboard are essential to the national economy and the prosecution of the defense effort.

Under this regulation prices will be established at the level prevailing during the period January 25, 1951 to February 24, 1951, inclusive, which is approximately the level prevailing just before the issuance of this regulation. These prices appear to be sufficiently above the pre-Korean level to compensate manufacturers for cost increases since that time, taking into account the ceiling prices established for raw materials under other regulations.

In the judgment of the Director of Price Stabilization, the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950, as amended; to prices prevailing during the period January 25, 1951 to February 24, 1951, inclusive and just before the issuance of this regulation; and to relevant factors of general applicability.

In the formulation of this regulation, there has been consultation with industry representatives including five meetings with the industry advisory committee, and consideration has been given to their recommendations. Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

Sec.

AUTHORITY: Sections 1 to 17 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Coverage of this regulation.* This regulation supersedes Ceiling Price Regulation 22 and the General Ceiling Price Regulation with respect to sales by producers, their agents, or representatives, of boxboard, containerboard and certain other paperboard. Boxboard is paperboard used in the manufacture of folding boxes, set-up boxes, cans, tubes, drums, pails and other products. Containerboard is paperboard used in the manufacture of corrugated or solid fibre containers and other products. Sections 3 and 4 set forth particular types and grades of the paperboard covered by this regulation and establish specific dollars and cents base prices to which may be added or subtracted applicable differentials to determine the ceiling prices for varying quantities, weights, calipers, and special characteristics. This regulation also establishes price ceilings for conversion charges by persons processing the raw material of others into the paperboard covered by this regulation, and supersedes Ceiling Price Regulation 34 with respect to such services.

SEC. 2. *Applicability.* The provisions of this regulation shall apply within the 48 States of the United States, and the District of Columbia.

SEC. 3. *Ceiling prices for boxboard and certain other paperboard.*

(a) *Type and grade specifications.* The names and specifications for the types and grades of boxboard and certain other paperboard, or slight variations therefrom, for which ceiling prices are established by this regulation are as follows:

(1) *Plain chip.* Plain chip is unlined paperboard made mainly from mixed papers and is characterized by a gray to a brown color.

(2) *News vat lined chip.* News vat lined chip is a combination paperboard of chip, news lined on one side and has the clean appearance characteristic of news on that side.

(3) *Filled news.* Filled news is a vat lined paperboard. It is a combination paperboard made with chip filler and vat lined with news stock on both sides and gives a clean appearance on both sides.

(4) *Solid news.* Solid news is a paperboard composed mainly of printed news waste paper and has a characteristic clean gray color.

(5) *White vat lined chip.* White vat lined chip is a vat lined paperboard which has a white or natural cream colored top liner, the balance of the sheet being composed mainly of mixed papers.

(6) *Chip, tube and can stock.* Chip, tube and can stock is a paperboard made from waste paper. It is a hard, uniform and level sheet, and is of a quality that permits forming into a spirally or convolutely wound cylinder of the desired diameter without checking.

(7) *Special ammunition tube stock—type I—regular.* Special ammunition tube stock—type I—regular is a paperboard made from strong waste paper. It is a hard, uniform and level sheet and is of a quality that permits forming into a spirally or convolutely wound cylinder of the desired diameter without checking and must be made to conform in all respects to U. S. Army specification No. 50–11–134 dated November 6, 1945.

(8) *Special ammunition tube stock—type II—high test.* Special ammunition tube stock—type II—high test is a paperboard made from the higher grade strong waste papers. It is a hard, uniform and level sheet and is of a quality that permits forming into a spirally or convolutely wound cylinder of the desired diameter without checking and must be made to conform in all respects to U. S. Army specification No. 50–11–134 dated November 6, 1945.

(9) *Gypsum lath liner board.* Gypsum lath liner board is a vat lined paperboard made with either one or both sides lined with 100 percent printed news waste paper, the balance composed mainly of mixed paper, sized to meet the specifications of the individual customer.

(10) *Gray back gypsum liner board.* Gray back gypsum liner board is a semi-bending vat lined paperboard, one or both sides of which are lined with 100 percent printed news waste paper with the balance of the sheet composed mainly of clean mixed paper, sized to meet the specifications of the individual customer.

(11) *Single manila lined chip.* Single manila lined chip is a vat lined paperboard which is of bending quality on the top liner side. It has a uniform cream colored top liner with a surface suitable for printing in colors, and has the balance of the sheet composed mainly of mixed paper.

(12) *Single jute lined chip.* Single jute lined chip is a vat lined paperboard which is of bending quality on the top liner side. It has a uniform brown colored top liner with a smooth surface suitable for printing in colors, and has the balance of the sheet composed mainly of mixed paper. This grade may not be sold in roll form, unless for use in other than the manufacture of corrugated and solid fibre shipping containers.

(13) *Mist gray lined chip.* Mist gray lined chip is a vat lined paperboard which is of bending quality on the top liner side. It has a top liner containing a uniform dispersal of black fibres to give the board a misty appearance, with a surface suitable for printing in colors, and has the balance of the sheet composed mainly of mixed paper.

(14) *Bleached manila lined chip.* Bleached manila lined chip is a vat lined paperboard which is of bending quality on the top liner side. It has a light color top liner, with a surface suitable for printing in colors, and has the balance of the sheet composed mainly of mixed paper.

(15) *Semi-bending and creasing chip.* Semi-bending and creasing chip is a paperboard which is of semi-bending quality on one side. It is composed mainly of mixed paper and is characterized by a gray to a brown color.

(16) *Bending chip.* Bending chip is a paperboard which is of bending quality on one side. It is composed mainly of mixed paper and is characterized by a gray to a brown color.

(17) *Creamed faced gypsum liner board.* Creamed faced gypsum liner board is a full bending, vat lined paperboard, the top liner side having a uniform creamed color with the balance composed mainly of strong clean mixed paper and sized to meet the specifications of the individual customer.

(18) *Single white patent coated news.* Single white patent coated news is a vat lined paperboard of bending quality on the top liner side. It has a white top liner with an extra smooth surface adapted for high grade color printing. It has a top liner composed of 85 percent or more chemical fibre either in virgin pulp form or in waste paper directly substituting therefor, with the balance of the sheet homogeneous in character and composed mainly of printed news waste paper.

(b) *Base prices.* The following subparagraphs (1), (2), and (3) fix the base prices for the specified types and grades of boxboard and certain other paperboard. To these base prices, you may add or shall subtract the applicable differentials set forth in this section and Section 5 to determine your ceiling prices. If no differentials are applicable, the base prices are your ceiling prices.

(1) *Non-bending board and chip, can and tube stock.* No. 1 Gauge List Regular 50's to 90's, inclusive.

	Base prices per ton		
	1 to 3 tons	Over 3, less than 10 tons	10 tons or over
Plain chip	$110.00	$107.50	$105.00
News vat lined chip	112.50	110.00	107.50
Filled news	115.00	112.50	110.00
Solid news	117.50	115.00	112.50
White vat lined chip	147.50	145.00	142.50
Chip, tube and can stock	115.00	112.50	110.00
Special ammunition tube stock—Type I	122.50	120.00	117.50
Special ammunition tube stock—Type II	130.00	127.50	125.00
Gypsum lath liner board, f. o. b. mill	117.50	117.50	117.50
Gray back gypsum liner board, f. o. b. mill	120.00	120.00	120.00

(i) See paragraph (c) for other thicknesses.

(ii) See paragraph (d) for exception to quantity differential.

(iii) No differentials for bending or sizing may be added to the listed base prices in this pricing table.

(2) *Folding boards.* No. 2 Gauge List, Regular 50's to 99's, inclusive.

	Base prices per ton		
	1 to 3 tons	Over 3, less than 10 tons	10 tons or over
Single manila lined chip	$152.50	$150.00	$147.50
Single jute lined chip	150.00	147.50	145.00
Mist gray lined chip	150.00	147.50	145.00
Bleached manila lined chip	155.00	152.50	150.00
Semi-bending and creasing chip	115.00	112.50	110.00
Bending chip	120.00	117.50	115.00
Cream faced gypsum liner board, f. o. b. mill	160.00	160.00	160.00

(i) See paragraph (c) for other thicknesses.

(ii) See paragraph (d) for exception to quantity differentials.

(iii) No differentials for bending or sizing may be added to the listed base prices in this pricing table.

(3) *Single white patent coated news.* No. 6 Gauge List.

Caliper	Base prices per ton		
	1 to 3 tons	Over 3, less than 10 tons	10 tons or over
.020 and heavier	$180.00	$177.50	$175.00
.018	182.50	180.00	177.50
.016	185.00	182.50	180.00
.015	187.50	185.00	182.50
.014	190.00	187.50	185.00

(i) See paragraph (d) for exception to quantity differentials.

(c) *Differentials.* (1) To the base prices established in paragraphs (b) (1) and (2) may be added the following price differentials:

	Per ton
Regular 35's to 39's	$7.00
Regular 40's to 49's	3.00
Regular 91's to 100's	4.00
Regular 101's to 120's	9.00
Skim news back	2.50

(2) If you had observed the practice of charging a differential for quantities of less than one ton during the period January 25, 1951 to February 24, 1951, inclusive, hereafter called the "base period," you may continue to charge such differential.

(d) *Exception to quantity differentials.* (1) When a single purchaser places an order, for delivery at one time, for paperboard of one grade, color, type, weight, caliper and finish, and where the sizes ordered are combined to fill the trim of the seller's papermaking machine and can be made simultaneously without a change in the slitter or chopper knives as the paperboard leaves the machine, then the combined weight of such sizes shall be considered as the quantity of an item for the application of quantity differentials. A combination of sizes which when combined are within 3 percent of the full trim of the paper-making machine shall be considered an acceptable trim of such machine when applying this exception to quantity differentials.

(2) The quantity differentials established in this section are designed to compensate, in whole or in part, for the extra costs involved in handling and manufacturing small orders of paperboard. These quantity differentials apply on the quantity ordered for delivery at one time. While this regulation does not require you to sell any person any specific quantity of paperboard, it is considered a violation of this regulation for you to demand (directly, or by threat of refusal to supply) that the customer place several orders of small quantities, rather than to accept one or more orders of larger quantities, solely for the purpose of receiving the additional income from these quantity differentials—that is, six 2 ton orders, or four 3 ton orders, rather than one 12 ton order as the customer desires to place.

SEC. 4. *Ceiling prices for containerboard*—(a) *Base prices.* The following subparagraphs (1) to (8), inclusive, fix the base prices for the specified types and grades of containerboard. To these base prices you may add or shall subtract the applicable differential allowed under this section and section 5 to determine your ceiling prices. If no differentials are applicable, the base prices are your ceiling prices.

(1) *Fourdrinier Kraft liner board.* Fourdrinier Kraft liner board is a grade of paperboard of bending quality, manufactured on a Fourdrinier machine from a furnish of at least 70 percent of virgin Kraft wood pulp or refined virgin Kraft wood pulp screenings, or both.

Weight per M sq. ft (pounds)	Test (pounds)	Base price per M sq. ft.
26	60	$1.59
32	75	1.96
33	75	1.96
38	85	2.23
42	100	2.47
47	105	2.76
50	110	2.94
52	115	3.06
69	135	4.18
90	150	5.51

(i) To determine the ceiling price for odd or in-between weights from 27 lb. to 31 lb., inclusive, and 70 lb. or heavier, multiply the odd or in-between weight by $.06125. For all other odd or in-between weights, multiply by $.05875.

(2) *Cylinder Kraft liner board.* Cylinder Kraft liner board is a vat lined board of bending quality, manufactured from a furnish of at least 70 percent of virgin Kraft wood pulp or refined virgin Kraft wood pulp screenings, or both.

Weight per M sq. ft. (pounds)	Test (pounds)	Base price per M sq. ft.
47–48	100	$2.60
50–52	110	2.76
55	120	3.23
72	135	4.18
90–95	135–160	5.51
90–95	Over 160	5.74

(3) *100% Kraft ammunition shell containerboard.* 100 percent Kraft ammunition shell containerboard is a special grade of Kraft board used exclusively in the manufacture of individual containers for medium and large sized ammunition required for the Armed Forces, and must be made to conform in all respects to U. S. Army Specification No. 50–11–135, dated November 16, 1945.

Weight per M sq. ft. (pounds)	Caliper	Test (pounds)	Base price per M sq. ft.
80–85	.025	190	$6.64

(4) *Jute liner board.* Jute liner board is a vat lined board of bending quality, manufactured on a cylinder or a multiple headbox Fourdrinier machine, with a top liner of virgin Kraft pulp or other materials directly substituting therefor and the balance of the sheet composed of waste paper.

Weight per M sq. ft. (pounds)	Test (pounds)	Base price per M sq. ft.
48–66	70 to less than 85	$3.63
48–66	85 to less than 100	3.76
48–66	100 and over	3.85
72–80	125 and over	4.70
95–110	135 and over	6.46

(5) *Lightweight chip.* Lightweight chip is unlined paperboard made mainly from #1 mixed papers and corrugated waste, characterized by a gray to a brown color, with a surface adapted to adhesives, and is primarily used as a facing for pads, partitions, single face corrugated rolls, and other types of interior packing. Its usual caliper is .006 to .016, inclusive, and its weight 21 lb. and up per M square feet.

Caliper:	*Base price per ton*
.006–.016	$122.50
Heavier than .016	105.00

(6) *Bogus corrugating material.* Bogus corrugating material is a grade of paperboard manufactured on a cylinder or Fourdrinier machine from a furnish containing more than 40 percent of waste paper or groundwood pulp, or both.

Weight per M sq. ft.:	*Base price per M sq. ft.*
26 pounds	$1.82
28 pounds	1.96

(7) *Strawboard corrugating material.* Strawboard corrugating material is a grade of paperboard manufactured on a cylinder or Fourdrinier machine from a furnish of at least 60 percent straw pulp.

Weight per M sq. ft.:	*Base price per M sq. ft.*
26 pounds	$1.59
28 pounds	1.72
30–32 pounds	1.85

(8) *Semi-chemical corrugating material.* Semi-chemical corrugating material is a grade of paperboard manufactured on a Fourdrinier or cylinder machine from a furnish of at least 70 percent of virgin chemical, or semi-chemical wood pulp, or wood pulp screenings, or any combination of these.

Weight per M sq. ft.:	*Base price per M sq. ft.*
26 pounds	$1.59

(b) *Procedure for determining square footage.* Where the base price, as set forth in this section, is on a per M square foot basis, you may not invoice at a price per ton but must invoice at a price per M square feet as determined by one of the following procedures:

Method 1: Measure the paperboard mechanically as it is wound in each roll to obtain the lineal footage in the roll. Then multiply this lineal footage by the width of the roll stated in feet to two decimal points. (e. g. 50 inches of width equals 4.17 feet.) The result is the amount of square footage to be invoiced.

Method 2: Take a sample from each roll of paperboard in the shipment to be invoiced and cut accurately to size 12" x 12" square (1 foot square). Find the weight of this sample by weighing on a balance scale. Multiply this weight by 1,000 to obtain the weight per M square feet for that roll. Then find the average weight per M square feet for all the rolls to be included in the shipment and divide into the total weight of the shipment. This result is the square footage to be invoiced. Each truckload or carload of paperboard must be considered individually as a shipment when determining the square footage to be invoiced.

SEC. 5. *Differentials for special characteristics and requirements.* Unless otherwise specified in sections 3 or 4, for special size, special white, special color, special sizing, special test, or other special characteristic or requirement involving a difference in cost, you may add to or shall subtract from the base price of the paperboard as established by this regulation, the following differentials:

(a) The differentials which you actually used in any contract to sell or sale of items at a definite price during the base period, or

(b) The differentials which you established by your published list or written offering price in effect during the base period.

(c) If you cannot determine your differentials under paragraphs (a) and (b) above, you shall apply for approval of your proposed differentials to the Director of Price Stabilization, Pulp, Paper and Paperboard Branch, Washington 25, D. C., within 10 days after the item has

been produced. Your application shall state (1) your full name and address; (2) the most comparable item sold or contracted to be sold by you at a definite price during the base period, for which a base price has been established by this regulation and to which you are applying your proposed differential; (3) the formula (furnish) and detailed unit direct cost of the most comparable item during the base period; (4) one or more differentials in effect during the base period and their detailed unit direct costs at that time; (5) your proposed differential, and the formula (furnish) and detailed unit direct cost of the special characteristic or requirement of the new item; and (6) the current price of your closest competitor for the same or similar new item. You shall also submit any clarifying information requested by the Office of Price Stabilization.

Orders may be accepted and invoices issued at the proposed differential subject to approval, disapproval or modification by letter order of the Director of Price Stabilization. A notation to the effect that the proposed differential is subject to change by the Director of Price Stabilization and that any excess monies will be refunded must be made on all quotations, orders and invoices of the particular item involved until the differential is approved, disapproved or modified. The differentials established by you under the provisions of this paragraph shall apply only to you and may not be used by any other producer without the written authorization of the Director of Price Stabilization.

SEC. 6. *Delivered prices and transportation allowances.* Except as provided in this section, the ceiling prices established by this regulation are for the respective grades and tonnage delivered to the plant of the purchaser actually using the paperboard. These prices include all transportation costs involved, regardless of whether the transportation costs are paid by you, by the purchaser, or prorated between you and the purchaser. Billing may be f. o. b. point of shipment with freight allowed. The exceptions to delivered prices are as follows:

(a) The ceiling prices for gypsum lath board, gray back gypsum liner board, and cream faced gypsum liner board are f. o. b. mill.

(b) If your total transportation cost involved in the shipment of Fourdrinier Kraft liners, cylinder Kraft liners, and Kraft or semi-chemical corrugating material, provided such liner or corrugating material is made in the United States from at least 70 percent of virgin chemical or semi-chemical wood pulp, or both, is greater than $10.00 per ton, the ceiling prices for such grades shall be the prices established by this regulation plus an amount per ton equal to the amount by which the total transportation cost exceeds $10.00.

(c) If your total transportation cost involved in the shipment of any type or grade of paperboard, except those covered by paragraphs (a) and (b) above, is greater than $6.00 per ton, the ceiling prices for such grades shall be the prices established by this regulation plus an amount per ton equal to the amount by which the total transportation cost exceeds $6.00.

SEC. 7. *Price ceiling for converting service.* If you are the operator of paperboard manufacturing equipment or facilities and offer the use of such equipment or facilities, or both, in connection with the processing of raw materials owned by another person into paperboard covered by this regulation, the charges which you make for such services shall not exceed an amount which when added to the price actually paid for the raw materials involved equals the ceiling price established for such paperboard. For example: If your customer provides raw materials costing $1.00 and asks you to convert these raw materials into finished paperboard having a ceiling price of $4.00, you may charge him $3.00 for the services you rendered to him.

SEC. 8. *Sales at less than ceiling prices.* Prices lower than those established by this regulation may be charged, demanded, paid or offered.

SEC. 9. *Adjustable pricing.* Nothing in this regulation shall be construed to prohibit your making a contract or offer to sell at (a) the ceiling price in effect at the time of delivery or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver such commodities at a price to be adjusted upward in accordance with any increase in a ceiling price after delivery unless authorized by the Office of Price Stabilization. Such authorization may be given when a request for a change in the applicable ceiling price is pending, but only if the authorization is necessary to promote distribution or production, and if it will not interfere with the purposes of the Defense Production Act of 1950, as amended. The authorization may be given by the Director of Price Stabilization or by any official of the Office of Price Stabilization having authority to act upon the pending request for a change in price or to give the authorization. The authorization may be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 10. *Records.*—(a) *Base period records.* On or after the effective date of this regulation, for so long as the Defense Production Act of 1950, as amended, shall remain in effect and for two years thereafter, you shall maintain and keep for examination by the Director of Price Stabilization, all your existing records relating to the prices charged for commodities or services, or both, which you sold or contracted to sell at a definite price, together with the differentials charged or offered in writing, during the base period January 25, 1951 to February 24, 1951, inclusive.

(b) *Current records.* On and after the effective date of this regulation, you shall make and keep for examination by the Director of Price Stabilization for a period of two years after each sale a duplicate invoice rendered by you to the purchaser within 10 days of shipment, stating (1) the name and address of the seller; (2) the name and address of the buyer or consignee if other than the buyer; (3) the date of shipment (delivery); (4) the f. o. b. point; (5) the price charged per unit of sale; (6) the quantity sold; (7) the name and specifications of the commodity as described in this regulation; and (8) the applicable count or ream weight, basis weight, caliper or test. Any transportation charge or allowance shall be stated separately.

SEC. 11. *Imports and exports.* The ceiling prices for imports and export sales of the paperboard covered by this regulation shall be determined under the provisions of Ceiling Price Regulations 31 (Imports) and 61 (Exports), respectively, issued by the Office of Price Stabilization.

SEC. 12. *Interpretations.* If you have any doubts as to the meaning of this regulation, you should write to the District Counsel of the proper OPS District Office for an interpretation. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1.

SEC. 13. *Transfers of business or stock in trade.* If the business, assets or stock in trade of any business are sold or otherwise transferred after the issue date of this regulation and the transferee carries on the business or continues to deal in the same type of commodities or services in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee and his practice with respect to sales of paperboard shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records in accordance with section 10 shall be the same. The transferor shall either preserve and make available for so long as the Defense Production Act of 1950, as amended, remains in effect, or turn over to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

SEC. 14. *Prohibitions.* You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically, but not in limitation of the above, you shall not, regardless of any contract or other obligation, sell, and no person in the course of trade or business shall buy from you at a price higher than the ceiling price established by this regulation, and you shall keep, make, and preserve true and accurate records required by this regulation. If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and action for damages.

SEC. 15. *Evasions.* Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation or in concealing or falsely rep-

resenting information as to which this regulation requires records to be kept is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, up-grading, tie-in agreements and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

SEC. 16. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, revised, issued by the Office of Price Stabilization, 16 F. R. 4974.

SEC. 17. *Definitions and explanations.* The terms used in this regulation shall be construed as follows, unless the context clearly requires a different meaning:

"Base period" means the period from January 25, 1951 to February 24, 1951, inclusive.

"Bending quality" means that the paperboard, when properly creased and folded, shall sustain not less than a 180° fold with no break in the outer surface fibres.

"Boxboard" means all kinds, grades, types, colors, and patterns of paperboard used mainly in the manufacture of set-up or folding boxes, cans, tubes, drums and pails.

"Containerboard" means all kinds, grades, types, colors, and patterns of paperboard made for use mainly in the manufacture of corrugated or solid fibre containers.

"Gauge list" means those lists set forth in United States Department of Commerce Simplified Practice Recommendation R–44–36 entitled "Box Board Thicknesses".

"Item" means a unit or quantity of paperboard of one size of the same grade, color, type, weight, caliper, and finish which the purchaser is willing to have delivered at one time.

"Paperboard" means all kinds, grades, types, colors, and patterns of paper made of fibrous material, usually wood pulp, straw, waste paper, or some combination of these, processed on a paper machine or wet machine, and having a thickness of .012 of an inch or more. Under certain circumstances recognized by the industry, paperboard may include certain grades .009 of an inch in thickness. The general term "paperboard" includes those types and grades of board referred to as containerboard, and boxboard.

"Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other Government, or any of its political subdivisions, or any agency of the foregoing.

"Producer" means any person who manufactures from any raw material paperboard covered by this regulation for any use whatever, and includes the agents and representatives of such person. The term as used herein includes, but is not limited to, the integrated or combined manufacturer who sells part or all of his output to a converting plant owned, controlled, or operated by him.

"Semi-bending quality" means that the paperboard, when properly creased and folded, shall sustain not less than a 90° fold with no break in the outer surface fibres.

"Test" means average with 5 percent tolerance Mullen or Cady test, and is to be determined as follows: Each roll is to be considered individually in determining whether the Mullen or Cady test of the paperboard is as specified. The tests shall be made according to TAPPI method T–403–M–47, insofar as apparatus and calibration are concerned. This average test is to be used in determining the proper classification for pricing purposes.

"Ton" mean a net ton of 2,000 pounds.

"Total transportation cost" includes all actual costs involved in transporting and delivering paperboard within the United States to the purchaser's plant actually using the paperboard, whether paid by purchase, or by seller, or prorated between purchaser and seller.

"Vat lined boards" are paperboard which have a liner of uniform formation and of sufficient thickness to prevent any show-through of the filler. These boards are made on a cylinder paper machine or a multiple head box Fourdrinier machine with the lined side of different compositions than the balance of the sheet.

"You" means the person subject to this regulation.

Effective date. This regulation shall become effective December 26, 1951.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

DECEMBER 20, 1951.

[F. R. Doc. 51–15205; Filed, Dec. 20, 1951; 11:34 a. m.]

[General Ceiling Price Regulation, Amdt. 26]

GENERAL CEILING PRICE REGULATION

EXEMPTION OF USED SUPPLIES AND EQUIPMENT NOT ACQUIRED FOR PURPOSE OF SALE

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82nd Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 26 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment exempts from the General Ceiling Price Regulation sales by any person of his used supplies or equipment not acquired or produced by him for the purpose of sale, such as sales by a store of its used store fixtures.

Most sales of this character are occasional in nature and it is therefore administratively impracticable to determine ceiling prices under the base period "freeze" technique of the General Ceiling Price Regulation. The prices at which such items are sold have little effect upon the general price structure, and the administrative burden on OPS and sellers of maintaining controls is out of proportion to the benefits gained thereby. However, there is a limitation on the exemption in that a used item may in no event be sold at a price higher than the ceiling price for that item when new, or, if such ceiling price cannot be determined, at a price higher than the seller's cost of acquisition.

The exemption does not apply to the sale by any person of property bought by him for purposes of resale, and so will not exempt dealers in the business of acquiring used property for resale. Nor does it apply to scrap or waste materials. The exemption also does not apply to transactions covered now or in the future by specific supplementary regulations to the General Ceiling Price Regulation or by numbered ceiling price regulations. Thus, used items, such as used machine tools and used automobiles, which are now or will be in the future covered by specific supplementary regulations or specific ceiling price regulations, will not be affected by this exemption.

In view of the nature of this amendment, the Director has not found it practicable or necessary to consult with representatives of all industries, but consultation has been had with interested individuals and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Section 14 of the General Ceiling Price Regulation is amended by adding the following paragraph:

(t) (1) Sales by any person, other than an agency or instrumentality of the United States Government, of his used supplies or equipment, not acquired or produced by him for the purpose of sale, provided that a used item may not be sold at a price higher than the ceiling price of that item when new for sales to the same class of purchaser. If the seller cannot determine the ceiling price for the item when new, he may not charge for the used item any amount in excess of his cost of acquisition for that item.

(2) This exemption does not apply to used trucks, to scrap or waste materials or to any commodity which is now or hereafter specifically covered by any supplementary regulation to the General Ceiling Price Regulation or by any numbered ceiling price regulation.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup., 2154)

Effective date. This Amendment 26 to the General Ceiling Price Regulation is effective December 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

DECEMBER 20, 1951.

[F. R. Doc. 51–15206; Filed, Dec. 20, 1951; 11:34 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 84]

GCPR, SR 84—Adjustment of Ceiling Prices for Snuff

Pursuant to the Defense Production Act of 1950, as amended, (Pub. Law 774, 81st Cong., Pub. Law 96, 82nd Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 84 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation allows a manufacturer of snuff to apply in specified circumstances for an upward adjustment of its ceiling prices established under the General Ceiling Price Regulation and allows distributors in certain cases to pass on allowed increases.

As a historical matter, manufacturers and distributors of snuff have maintained uniform prices. The prices at which one manufacturer sold snuff was the same as the price at which other manufacturers sold it. The price charged by one distributor was the same as that charged by others. During December 1950 most manufacturers raised their prices to distributors; one, however, did not, thereby cooperating with the voluntary pricing standards issued by the Office of Price Stabilization on December 19, 1950. Most distributors raised their prices to retailers and they in turn to consumers, both on brands the price of which had been increased and on brands which had not gone up in price. Thus, when all prices were frozen by the General Ceiling Price Regulation, consumers did not benefit from the action of the single manufacturer which did not increase prices; instead the dealers in this manufacturer's products obtained abnormally high margins.

At the present time a study of the snuff industry is being made to determine the proper level of snuff ceiling prices, but it appears that this study will not be completed soon enough to remedy the existing out-of-line situation at the manufacturer's level. Since an upward adjustment will not generally result in higher retail prices, it would appear inequitable to deny this adjustment to the single manufacturer which voluntarily held the line in response to the request of this office last December. It should be clearly understood that the action of the Office of Price Stabilization, in issuing this supplementary regulation, does not constitute approval of the existing level of ceiling prices in the snuff industry. On the contrary, upon the completion of the studies referred to above, it may be decided to issue a regulation which will establish different ceiling prices—either higher or lower—than those established hereby.

The accompanying supplementary regulation to the General Ceiling Price Regulation is aimed at correcting the specific price dislocation caused in the snuff industry by the general freeze imposed by that regulation. It allows a manufacturer of snuff whose product historically sold at the same prices as those of its competitors generally and which now sells at retail at prices equivalent to prices charged for other brands to raise its prices to the level of its competitors.

In addition, this regulation provides that when the cost to distributors of a particular brand of snuff is increased, they may increase their ceiling price under the General Ceiling Price Regulation by a corresponding amount, provided that their new ceiling price for that brand is no higher than the highest ceiling prices they have for other brands of snuff. In this way the distributors who raised their prices in December 1950 in anticipation of the price rise provided by this supplementary regulation will be prohibited from increasing their prices twice and thus realizing abnormally high margins.

FINDINGS OF THE DIRECTOR

In the judgment of the Director of Price Stabilization, the provisions of this supplementary regulation to the General Ceiling Price Regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

As far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in the furtherance of the objectives of the Defense Production Act of 1950, as amended; to parity prices and the other minimum requirements of the law including prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; and to relevant factors of general applicability.

In formulating this supplementary regulation the Director of Price Stabilization has consulted with industry representatives to the extent practicable and has given full consideration to their recommendations.

REGULATORY PROVISIONS

Sec.

Authority: Sections 1 to 8 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

Section 1. *What this regulation does.* This regulation permits a manufacturer of snuff to apply under specified conditions for an upward adjustment of his ceiling prices established under the General Ceiling Price Regulation. In addition, it provides a method by which retailers and other distributors of snuff may pass on any increase in their cost of snuff resulting from the operation of this regulation.

Sec. 2. *Geographical applicability.* This regulation applies in the 48 States of the United States and in the District of Columbia.

Sec. 3. *When a manufacturer may apply for an adjustment.* If you are a manufacturer of snuff, you may apply for an adjustment in your ceiling price for the snuff if:

(a) You and all your competitors sold snuff at substantially the same prices for at least one year during the period from December 19, 1948 to December 19, 1950;

(b) The snuff you manufacture is designed to sell (and generally now sells) at approximately the same price at wholesale and retail as snuff manufactured by your competitors generally;

(c) Your present ceiling prices under the General Ceiling Price Regulation are lower than those of your competitors generally.

Sec. 4. *What information a manufacturer must supply.* If you are a manufacturer of snuff desiring an adjustment under this regulation, you must file an application with the Office of Price Stabilization, Washington 25, D. C., and furnish the following information:

(a) Your name and address, a description of the commodity or commodities on which you are applying for an adjustment, and a statement of the principal types of customers to whom you sell.

(b) Complete information supporting all of the requirements of section 3 of this regulation, including a list of your competitors, a statement of their ceiling prices for commodities similar to those for which you are applying for an adjustment, and data showing the relationship of your prices to the prices they charged during the period December 19, 1948 to December 19, 1950.

Sec. 5. *What action may be taken on an application.* The Office of Price Stabilization will grant or deny, in full or in part, your application or request further information, depending on the extent to which your application and the information you have submitted show that you meet the standards set out in section 3. You may not charge a proposed adjusted ceiling price for any of the commodities covered by this application until the Director of Price Stabilization or his authorized representative notifies you in writing that the proposed adjusted price has been approved by the Office of Price Stabilization.

Sec. 6. *Wholesalers' and retailers' ceiling prices.* If you sell snuff at wholesale or retail and your cost of a particular brand of snuff is increased as a result of this supplementary regulation you may increase your ceiling price for each package size of that brand in accordance with section 11 of the General Ceiling Price Regulation but you may not increase your ceiling price for any packaged size of that brand above your corresponding highest ceiling price for that same packaged size of any other brand of snuff.

Sec. 7. *Notices to be given by sellers except at retail.* (a) If you are a manufacturer of snuff and you are permitted to increase your ceiling prices of snuff pursuant to this regulation, you shall

furnish each of your customers, other than an ultimate consumer, upon his initial purchase of snuff from you at your higher ceiling price, a statement in the following form:

The Office of Price Stabilization has permitted us to increase our ceiling prices of snuff by the following amounts:

Name of item	*Weight of package*	*Ceiling price (per package)*

You may increase your ceiling price of these items only to the extent permitted by section 6 of Supplementary Regulation to the General Ceiling Price Regulation.

(b) If you are a wholesaler or retailer of snuff and your cost of a particular brand of snuff is increased as a result of this supplementary regulation, you may increase your ceiling price to the extent permitted by section 6. If you so increase your ceiling price you must give each of your customers, other than an ultimate consumer, upon his initial purchase of that snuff from you at your higher ceiling price, a notice similar to that provided for in paragraph (a) of this section.

SEC. 8. *Continued applicability of the General Ceiling Price Regulation.* Except as modified by the provisions of this regulation, all of the provisions of the General Ceiling Price Regulation continue to apply to you even though you may be one of the sellers who are authorized under this regulation to increase their ceiling price.

Effective date. This supplementary regulation shall become effective December 26, 1951.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

DECEMBER 20, 1951.

[F. R. Doc. 51-15207; Filed, Dec. 20, 1951; 11:35 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 85]

GCPR, SR 85—RAW MATERIAL ADJUSTMENT FOR MAINE PROCESSORS OF CANNED FRESH SHELLED BEANS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 85 to the General Ceiling Price Regulation (16 F. R. 809) is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation to the General Ceiling Price Regulation permits processors whose factories are located in Maine to increase their GCPR ceiling prices for canned fresh shelled beans by the difference per dozen containers between their 1950 and 1951 weighted average raw material cost, subject to the limitation described in the next paragraph. This action is being taken simultaneously with the issuance of Amendment 7 to Ceiling Price Regulation 55 removing fresh shelled beans canned in Maine from the coverage of that regulation. The reasons leading to this action are set forth in the statement of considerations accompanying that amendment.

The permitted increase in raw material cost per ton is subject to the limitation that it may not exceed $31.50 per ton or 40 percent of each processor's 1950 weighted average raw material cost. These maximum increases are the same as those set forth in CPR 55 and are based on the recommendation of the Secretary of Agriculture that fresh shelled beans, although not a parity item, be given the same increase in fixing ceiling prices as is allowed for snap beans, which are a parity item. Since fresh shelled beans are not on the parity list, any increase in raw material cost could not be taken under section 11 of the GCPR. However, in order to maintain consistency in the program of allowing some reflection of raw material increases in ceiling prices, the provisions of this supplementary regulation permitting such increases are deemed necessary.

The Director of Price Stabilization has consulted with members of the industry who will be affected by this supplementary regulation and has given consideration to their recommendations. In the judgment of the Director, the provisions of this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.

1. What this supplementary regulation does.
2. Adjustment of General Ceiling Price Regulation ceiling prices for increases in raw material costs.
3. Relationship of this supplementary regulation to the General Ceiling Price Regulation.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation modifies General Ceiling Price Regulation ceiling prices for canned shelled beans canned in the State of Maine by allowing processors of this product to increase their ceiling prices, as determined under the General Ceiling Price Regulation, by the difference per dozen containers between their 1950 and 1951 weighted average raw material cost, subject to the limitation set forth in section 2 of this supplementary regulation.

SEC. 2. *Adjustment of General Ceiling Price Regulation ceiling prices for increases in raw material costs.* If you can shelled beans in the State of Maine, you may adjust your General Ceiling Price Regulation ceiling price (established without reference to any adjustment under section 11 of that regulation), for any item of canned fresh shelled beans by making the following calculation:

(a) Determine your General Ceiling Price Regulation ceiling price per dozen containers (established without reference to any adjustment under section 11 of that regulation) for each item of canned fresh shelled beans to each class of purchaser.

(b) Determine the difference between your 1950 and 1951 weighted average raw material costs per ton. However, if the amount by which your 1951 costs exceeds your 1950 costs is greater than $31.50 per ton or 40 percent of your 1950 weighted average raw material cost per ton, you shall use whichever of these amounts is the greater instead of your actual increase.

"Weighted average raw material cost" means the total amount paid by the processor to the grower for the raw agricultural material plus any transportation, storage, harvesting, seeds and plants, crates, boxes, bags, acquisition, and other direct costs, paid or incurred by the processor up to the point of delivery at the factory, divided by the total tons (or other units) of raw material purchased.

"Item" means a kind, variety, grade, or container type and size of fresh shelled beans. Brand names shall not in themselves constitute separate items.

(c) You then divide your weighted average raw material increase per ton by the simple average of your yields per ton (or other unit of purchase) of the raw material for the years 1950 and 1951, reduced to dozen containers of the product, and adjusted for grade yield distribution according to your customary practice.

(d) You then add such increase per dozen containers to your General Ceiling Price Regulation ceiling price for the item as determined under paragraph (a) of this section. The resulting figure is your ceiling price for the item per dozen containers to each class of purchaser.

SEC. 3. *Relationship of this supplementary regulation to the General Ceiling Price Regulation.* All provisions of the General Ceiling Price Regulation except to the extent modified by this supplementary regulation shall continue to apply to your sales of canned fresh shelled beans.

Effective date. This Supplementary Regulation 85 to the General Ceiling Price Regulation shall become effective December 20, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

DECEMBER 20, 1951.

[F. R. Doc. 51-15208; Filed, Dec. 20, 1951; 11:35 a. m.]

[General Overriding Regulation 3, Amdt. 4]

GOR 3—EXEMPTION OF CERTAIN RUBBER, CHEMICAL AND DRUG COMMODITY TRANSACTIONS

EXEMPTION OF CERTAIN FERTILIZER MATERIALS AND URANIUM COMPOUNDS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No.

2 (16 F. R. 738), this Amendment 4 to General Overriding Regulation 3 is hereby issued.

STATEMENT OF CONSIDERATIONS

Section 2 of General Overriding Regulation 3 exempts from price control certain chemical commodity transactions. This amendment adds certain specified fertilizer materials to the list of exempt items such as compost, manure, peat and wood ashes. This amendment likewise exempts from price control uranium salts and oxides produced and sold under license of the Atomic Energy Commission.

The fertilizer materials which are decontrolled by this amendment are insignificant in the cost of living. The price of none of the listed fertilizer materials enters into the United States Department of Agriculture's computation of the parity index. Continuation of price controls over these items presents administration difficulties and a work load far out of proportion to the importance of these items. Moreover, it is not contemplated that there will be any appreciable increase in the prices of the decontrolled items.

For the year ended June 30, 1950, the total tonnage of all mixed fertilizer and fertilizer materials used in the United States amounted to approximately 18 million tons. The approximate annual use of the fertilizer material which this amendment decontrols, amounts to about 465,000 tons or 2.5 percent of all fertilizer used, and it is unlikely that the production of the exempted fertilizer materials could be expanded.

Of the total tonnage of fertilizer materials decontrolled, manure represents 176,000 tons. Organic materials comprising peat, peat moss, humus, muck, furfural waste, peanut hulls, tung nut hulls and almond shells, used primarily as mulches and soil conditioners with little or no plant food content, represent about 200,000 tons. Other miscellaneous items represents the balance or 89,000 tons.

Uranium salts and oxides for licensed commercial uses are manufactured by one company only with total yearly sales limited to about $100,000. This company relies on domestic ores, and its products are under price ceilings. Earlier in the year the Atomic Energy Commission increased the prices for uranium ores. As a result the licensed processor was unable to absorb increased raw material costs.

The uranium compounds produced and sold by the licensed company have important uses. Some of the uses are as analytical reagents, for research purposes, for certain medicinal purposes, and as an ingredient in a special type of glass. Because of the limited amount of sales of compounds of this type, the exemption of these sales will have no effect on the economy. On the other hand, the exemption will remove a barrier which exists at present to the continued activity of the licensee of the Atomic Energy Commission.

In view of the nature of this amendment, the Director has not found it practicable or necessary to consult formally with industry representatives.

AMENDATORY PROVISIONS

General Overriding Regulation 3 is amended by adding to section 2 new paragraphs (e) and (f), to read as follows:

(e) *Certain fertilizer materials.* All sales of the following listed fertilizer materials when sold within the 48 States of the United States and the District of Columbia:

Acid fish scrap
Almond shells
Beet sugar residue
Cocoa shell meal
Cocoa tankage
Compost
Cotton hull ashes
Distillery waste
Furfural waste
Grape pomace
Guano
Hoof and horn meal
Humus
Manure (animal and fowl excrement only)
Mowrah meal
Muck
Mustard meal
Peanut hulls
Peat
Peat moss
Precipitated bone
Rapeseed meal
Ravison meal
Spent bone black
Tung nut hulls
Tung oil pomace
Wood ashes
Wood waste

(f) *Uranium compounds.* Sales of uranium salts and oxides produced and sold under license of the Atomic Energy Commission.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 4 shall become effective December 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

DECEMBER 20, 1951.

[F. R. Doc. 51-15209; Filed, Dec. 20, 1951; 11:35 a. m.]

[General Overriding Regulation 7, Amdt. 8]

GOR 7—EXEMPTION OF CERTAIN FOOD AND RESTAURANT COMMODITIES

SPECIALTY FOOD ITEMS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 8 to General Overriding Regulation 7 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 7 exempts certain food items from any ceiling price restrictions imposed by the Office of Price Stabilization.

Amendment 1 to GOR 7, issued on May 18, 1951, exempted from price control sales at wholesale and retail of certain specialty food items.

By this Amendment 8 to GOR 7, ceiling price restrictions on sales by importers, manufacturers, and processors of most of the specialty food items enumerated in Amendment 1 are removed, and, in addition, such restrictions are removed on sales of comparable specialty food items such as crepes suzette and walnut sauce, not listed in Amendment 1. The commodities exempted by this amendment are of minor significance and have but a trifling effect on the cost of living, the cost of the defense effort, or the general current of industrial cost. Furthermore, any ceiling price restrictions imposed on these commodities would involve an administrative and enforcement burden out of all proportion to the importance of keeping such commodities under price control.

In view of the nature of the commodities exempted, this amendment will not have any material effect on the general level of prices.

FINDINGS OF THE DIRECTOR

To the extent practicable, under the circumstances, the Director has consulted with interested individuals as to the provisions of this amendment and consideration has been given to their recommendations.

So far as practicable, the Director gave due consideration to the national effort to achieve maximum production in the furtherance of the objectives of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

General Overriding Regulation 7 is amended by revising section 4 to read as follows:

SEC. 4 *Specialty food items.* No ceiling price regulation heretofore issued or which may hereafter be issued by the Office of Price Stabilization shall apply to sales described in this section and any amendments thereto.

(a) All sales of the following domestically produced or imported products:

1. Water ground corn meal.
2. These fish and sea food items: pates; pastes; purees; clam juices; fish roe; caviar; fish and sea food hors d'oeuvres.
3. Frozen hollandaise sauce.
4. These canned fruits and berries: whole or half citrus fruits (not sectionized); brandied, liquor flavored, or stuffed fruits or berries (except olives); cocktail slices and sticks (fruits); cocktail cherries with stems; and white Catawba grape juice.
5. Wine or liquor jells and jellies which do not contain unfermented fruit or fruit juices; preserved kumquats; melon and fruit rind.
6. Hollandaise sauce plain.
7. The following canned poultry items: livers; hearts; gizzards; and pates.
8. Wild game, canned; turtle meat, canned; pate de foie gras, canned; and rattlesnake meat, canned.
9. Pickled rind.
10. Wild rice.
11. The following canned soups: turtle, wine flavored; smoked turkey; game bird; fish or sea food (except clam chowder); almond; artichoke; broccoli; cucumber; and water cress.
12. Rock candy syrup.
13. Herbal vinegar; and wine vinegar.
14. Truffles; capers; canned snails; crepes suzette; canned fried worms; babas in tins; walnut sauce; and Easter egg dye.
15. Bird seed, bird biscuit and other bird food.

16. Coffee packed in bags, each containing only the amount necessary to make one ordinary cup of coffee.

(b) Sales by importers, wholesalers and retailers only of the following domestically produced or imported products in consumer size containers: smoked tongue; cocktail frankfurters; meat pates; french onion soup; cocktail mushrooms; cheese dressings; wine gelatins and wine dessert powders; sauces (except meat sauces) containing fish or sea food.

(c) All sales of the following imported items when imported in consumer size containers: breakfast cereals; cocoa, chocolate and cereal drink preparations; roasted coffee in containers of two (2) pounds or less; cookies, crackers, toast; non-sterile processed fish (except herring and salmon); fruits, berries and fruit juices (except pineapple and pineapple juices); gelatin and pudding mixtures; jams, jellies, preserves, honey; macaroni and spaghetti products; mayonnaise and salad dressing; canned meats (except beef and beef products) in containers of two (2) pounds or less; pickles and relishes; spices and herbs; soups; syrup; tea; canned vegetables and vegetables juices, dried and dehydrated vegetables; vinegar.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to General Overriding Regulation 7 shall become effective December 26, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

DECEMBER 20, 1951.

[F. R. Doc. 51-15210; Filed, Dec. 20, 1951; 11:35 a. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter B—Wage Stabilization Board

[General Wage Regulation 6, Amdt. 1]

GWR—GENERAL WAGE FORMULA

MAINTENANCE OF RECORDS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.; Pub. Law 96, 82nd Cong.), Executive Order 10161 (15 F. R. 6105), Executive Order 10233 (16 F. R. 3503), and General Order No. 3, Economic Stabilization Administrator (16 F. R. 739), General Wage Regulation No. 6 is hereby amended.

STATEMENT OF CONSIDERATIONS

After investigation of the matter, the Wage Stabilization Board has determined that section 3 of this regulation shall be amended to require the keeping of appropriate records in lieu of the filing of written reports of adjustments in compensation effected under the regulation.

AMENDATORY PROVISIONS

Section 3 is amended to read as follows:

SEC. 3. *Administration.* Increases in wages, salaries and other compensation permissible under the terms of the policy set forth in section 1 of this regulation, do not require the specific prior authorization of the Wage Stabilization Board. Any employer who makes such increases shall keep available for inspection by appropriate government agencies a record of each increase showing the essential facts and method of calculation. Such records shall be maintained while the Defense Production Act is in effect and for a period of two years thereafter.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

NOTE: The record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board on December 6, 1951.

NATHAN P. FEINSINGER,
Chairman.

[F. R. Doc. 51-15218; Filed, Dec. 20, 1951; 11:46 a. m.]

Subchapter B—Wage Stabilization Board

[General Wage Regulation 8, Revised, Amdt. 1]

GWR 8—COST-OF-LIVING INCREASES

MAINTENANCE OF RECORDS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.; Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), Executive Order 10233 (16 F. R. 3503), and General Order No. 3, Economic Stabilization Administrator (16 F. R. 739), General Wage Regulation No. 8, Revised, is hereby amended.

STATEMENT OF CONSIDERATIONS

After investigation of the matter, the Wage Stabilization Board has determined that sections 2 (c), 3 (c), and 4 (b) (2) of this regulation shall be amended to require the keeping of appropriate records in lieu of the filing of written reports of adjustments in compensation effected under the regulation.

REGULATORY PROVISIONS

1. Section 2 is amended by amending paragraph (c) and adding paragraph (d) as follows:

SEC. 2. *Cost-of-living provisions in effect on or before January 25, 1951.* * * *

(c) Any employer who makes an increase under this section shall keep available for inspection by appropriate government agencies a record of the increase including the following:

(1) The amount of the increase and the unit of employees to which made applicable;

(2) A copy of the written wage and salary plans or collective bargaining agreements containing the cost-of-living provisions;

(3) An identification of the cost-of-living provision in the wage and salary plan, and a statement of the manner in which it was communicated;

(4) A statement of any general increases applicable to the same wages, salaries and other compensation that have been put into effect after January 25, 1951.

(d) The records required by paragraph (c) of this section shall be maintained while the Defense Production Act is in effect and for a period of two years thereafter.

2. Section 3 (c) is amended to read as follows:

SEC. 3. *Cost-of-living provisions put into effect after January 25, 1951.* * * *

(c) The employer shall keep a record of any wage or salary increases made pursuant to this section, including the amount of the increase and the unit of employees to which made applicable. This record and a copy of the written collective bargaining agreement or written wage and salary plan containing the cost-of-living provisions shall be kept available by the employer for inspection by appropriate government agencies while the Defense Production Act is in effect and for a period of two years thereafter.

3. Section 4 (b) (2) is amended to read as follows:

SEC. 4. *Permissible increases in absence of cost-of-living provisions.* * * *

(b) * * *

(2) The employer shall keep a record of any wage or salary increases made pursuant to this section, including the amount of the increase and the unit of employees to which made applicable. This record shall be made available for inspection by appropriate government agencies while the Defense Production Act is in effect and for a period of two years thereafter.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

NOTE: The record-keeping requirements of this Regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board on December 6, 1951.

NATHAN P. FEINSINGER,
Chairman.

[F. R. Doc. 51-15219; Filed, Dec. 20, 1951; 11:46 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation No. 5, as Amended December 20, 1951]

CMP REG. 5—MAINTENANCE, REPAIR, AND OPERATING SUPPLIES, INSTALLATION, AND MINOR CAPITAL ADDITIONS UNDER THE CONTROLLED MATERIALS PLAN.

This regulation, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this regulation prior to its amendment, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this regula-

tion was rendered impracticable because the regulation affects almost all industries. In the formulation of this regulation as amended, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the amendment affects almost all industries.

NPA Reg. 4 was revoked effective July 6, 1951. On and after July 6, 1951, any reference to NPA Reg. 4 contained in any order or regulation of NPA (other than this regulation) shall be deemed a reference to CMP Regulation No. 5.

The quotas established by this regulation, as amended December 20, 1951, shall apply to all operations beginning with the first calendar quarter of 1952. The quotas contained in CMP Regulation No. 5, as amended on July 17, 1951, shall apply to all operations prior to the first calendar quarter of 1952.

CMP Regulation No. 5 is hereby amended to provide assistance to persons who require materials for installation and to make other changes deemed necessary in the light of experience under the regulation. Accordingly, sections 1 to 11, sections 13, 14, 15 and 17, and Schedules I and II are amended. Amendment No. 1, issued on August 10, 1951, is superseded by this amendment. As so amended, CMP Regulation No. 5 reads as follows:

Sec.

AUTHORITY: Sections 1 to 17 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071. Sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *What this regulation does.* The purpose of this regulation is to provide a uniform procedure by which any business enterprise, Government agency, or public or private institution may obtain limited quantities of controlled materials and products and materials other than controlled materials for maintenance, repair, and operating supplies (hereinafter collectively referred to as "MRO"), as well as for minor capital additions and installations. It provides for the establishment of separate quarterly quotas for MRO, for minor capital additions, and for installation. The regulation does not limit the quantity of materials and products which a person may obtain without using the procedure provided in this regulation. However, a person who makes use of the procedure provided in this regulation to obtain, in any quarter, materials or products for MRO in excess of 20 percent of his MRO quota shall comply with the MRO quota limitations whether or not he is able to obtain additional MRO materials and products without using the procedure provided in this regulation. This regulation establishes separate minimum quotas for MRO, minor capital additions, and installation in the amount of $1,000 for each in any one quarter. The procedure provided in this regulation may not be used to secure materials for personal or household use.

SEC. 2. *Definitions.* As used in this regulation:

(a) "Person" means any individual, partnership, corporation, association, or other organized group, and includes any business enterprise, Government agency, or institution. If, in the calendar year 1950, or in his last fiscal year ending prior to March 1, 1951, a person operated more than one plant, division, department, branch, or other unit, and maintained for any such unit separate records showing expenditures therefor for MRO, he may elect to treat any one or more of such units as a separate person for the purposes of this regulation, or to treat his entire operation within the United States, its territories and possessions, as a single person. An election so made may not thereafter be changed without prior written approval of NPA.

(b) "NPA" means the National Production Authority.

(c) "Business enterprise" means a lawful activity conducted for profit in the United States, its territories or possessions.

(d) "Government agency" means the United States, its territories and possessions, any of the 48 States, or the District of Columbia, any political subdivision of any of the foregoing, and any agency of any of the foregoing which is not a business enterprise.

(e) "Institution" means any lawful organization, public or private, within the United States, its territories and possessions, which is neither a business enterprise nor a Government agency. It includes, but is not limited to schools, libraries, hospitals, churches, clubs, and welfare establishments.

(f) "Maintenance" means the minimum upkeep necessary to continue any plant, facility, or equipment in sound working condition. "Repair" means, with respect to any person, the restoration of any plant, facility, or equipment to sound working condition when it has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like, where such repair is not capitalized according to his established accounting practice. Neither "maintenance" nor "repair" includes the replacement of any plant, facility, or equipment; nor does it include the improvement of any plant, facility, or equipment by replacing material which is still in sound working condition with material of a new or different kind, quality, or design.

(g) "Operating supplies" means, in the case of a business enterprise, any kind of material carried by such business enterprise as operating supplies according to its established accounting practice. It includes items, such as hand tools, purchased by an employer for sale to his employees solely for use in his business if such items would have constituted operating supplies had they been issued to employees without charge. It also includes expendable tools, jigs, dies, and fixtures, used on production equipment, regardless of the accounting practice of the business enterprise. "Operating supplies" means, in the case of a Government agency or an institution, any item used by the agency or institution in conducting any activity or rendering any service, provided the total cost of such item (excluding the purchaser's cost of labor) does not exceed $50 or the item is normally consumed in the course of operation within 1 year from the date of acquisition and was not carried as capital equipment by the agency or institution according to its established accounting practice. Materials incorporated in a product are operating supplies if, but only if, they were carried as operating supplies according to the established accounting practice of the business enterprise, Government agency, or institution.

(h) "Minor capital addition" means any replacement, improvement, or addition of a kind carried by a person as capital according to his established accounting practice, the total cost of which (excluding the purchaser's cost of labor) does not exceed $1,000 for any one complete capital addition. No capital addition may be subdivided for the purpose of bringing it or any part of it within this definition. In computing the cost of such replacement, improvement, or addition, for the purpose of this regulation, the cost of all materials obtained for such replacement, improvement, or addition shall be included whether or not acquired by use of an allotment symbol or rating, and whether or not ordered or delivered at different times and obtained from different suppliers. Where the capital addition, replacement, or improvement involves construction as defined in NPA Order M-4A, the procedure provided for herein may not be used to obtain materials therefor.

(i) "MRO" means materials for maintenance, repair, and operating supplies. It does not include capital additions or installation. The terms "minor capital addition" and "installation" are specifically used whenever they are intended to be included within the provisions of this regulation. Materials produced or obtained for sale to other persons or for installation upon or attachment to the property of another person, and materials required for the production of such materials are not "MRO" as to the producer or supplier.

(j) "Installation" means the setting up or relocation of machinery, fixtures, or equipment in position for service and connection thereof to existing service facilities in an existing building, struc-

ture, or project, where the total cost of all materials for such setting up or relocation does not exceed $1,000 for any one complete installation: *Provided, however,* That the controlled material, including controlled material for Class A products, used for one complete installation in any existing building, structure, or project, other than an industrial plant, factory, or facility, shall not exceed 2 tons of carbon steel, 200 pounds of copper (copper and copper-base alloy brass mill products, copper wire mill products, or copper and copper-base alloy foundry products and powder), and no aluminum, stainless steel, or alloy steel. Such installation is not construction, as defined in NPA Order M-4A. Where such setting up or relocation occurs in connection with the erection of or an extention to a building, structure, or project, it shall not be considered installation for the purposes of this regulation. No installation may be subdivided for the purpose of bringing it or any part of it within this definition.

(k) "Material" means any raw, in-process, or manufactured commodity, equipment, component, accessory, part, or product of any kind.

(l) "Controlled material" means steel, copper, and aluminum in the forms and shapes indicated in Schedule I of CMP Regulation No. 1.

(m) "Established accounting practice" means, in the case of a person in operation on or before December 31, 1950, the accounting practice in use by such person on that date or on the last day of his operation prior thereto. In the case of a person whose operation begins after December 31, 1950, the term means the accounting practice established by him in such operation.

SEC. 3. *How a person obtains controlled materials.* (a) Subject to the quantity restrictions contained in section 7 of this regulation, every business enterprise, Government agency, and institution shall have the right to use the allotment symbol MRO on delivery orders for controlled materials for maintenance, repair, and operating supplies, installation, and minor capital additions. The assignment of the right to use the allotment symbol MRO does not constitute the making of an allotment of the amount of controlled materials for MRO, installation, and minor capital additions specified in section 7 of this regulation. The allotment symbol MRO may be used to acquire only that amount of controlled material actually needed for MRO, installation, and minor capital additions.

(b) A delivery order bearing the symbol MRO, together with the certification provided for in section 11 of this regulation, shall constitute an authorized controlled material order for the purposes of all CMP regulations. A person who manufactures a Class A or Class B product, not for sale but solely for his own use as MRO, material for installation, or as a minor capital addition, may obtain the controlled material required for such production by using the allotment symbol MRO. A person who produces such a Class A or Class B product may not apply to an industry division or claimant agency on Form CMP-4A or on Form CMP-4B for an allotment of controlled material or for a DO rating for such production, nor may he use the self-authorization procedure provided for in Direction 1 to CMP Regulation No. 1.

SEC. 4. *How a person obtains products and materials other than controlled materials.* (a) Subject to the quantity restrictions contained in section 7 of this regulation, every business enterprise, Government agency, and institution shall have the right to use the rating DO-MRO on delivery orders for products and materials other than controlled materials for maintenance, repair, and operating supplies, installation, and minor capital additions. The rating DO-MRO may be used to acquire such products and materials only up to that portion of the amount specified in section 7 of this regulation which is actually needed for the purposes of MRO, installation, and minor capital additions.

(b) A delivery order bearing the rating DO-MRO, together with the certification provided for in section 11 of this regulation, shall constitute a rated order with an allotment symbol for the purpose of all NPA regulations and orders. A person who manufactures a Class A, Class B, or any other product, not for sale but for his own use as MRO, material for installation, or as a minor capital addition, may obtain the products and materials other than controlled material required for such production by using the rating DO-MRO.

SEC. 5. *Status of orders rated DO-97.* (a) A producer of a Class A or of a Class B product who has, prior to July 6, 1951, the original effective date of this regulation, extended an order bearing the rating DO-97 to a supplier of a controlled material, and who has received an authorized production schedule with a related allotment, shall charge against such allotment the amount of any controlled material which he receives pursuant to such order.

(b) A delivery order calling for delivery after the third quarter, 1951, placed prior to July 6, 1951, the original effective date of this regulation, in accordance with the provisions of NPA Reg. 4 and bearing the rating DO-97, must be converted into an authorized controlled material order or into a rated order with the allotment symbol MRO, as the case may be, in accordance with the provisions of CMP Regulation No. 3. In the absence of such conversion on or before August 15, 1951, the order shall constitute an unrated order.

(c) A delivery order for MRO, installation materials, or minor capital additions placed after the effective date of this regulation and in accordance with its provisions must bear the allotment symbol MRO or the rating DO-MRO, as the case may be.

SEC. 6. *Limitations on the use of the allotment symbol MRO and the rating DO-MRO*—(a) *Prohibited list.* The allotment symbol MRO and the rating DO-MRO shall not be applied or extended by a person to obtain any of the materials or articles listed in Schedules I and II of this regulation, or to obtain any equipment pursuant to any lease.

(b) *Limitation for minor capital additions.* The allotment symbol MRO and the rating DO-MRO may not be applied by a person to obtain in any quarter (calendar or fiscal) materials for a total of minor capital additions exceeding in the aggregate 10 percent of the quarterly MRO quota established as provided in section 7 of this regulation, or $1,000, whichever is greater. This paragraph shall be construed to place no limitation on the acquisition of additional products or materials other than controlled materials for minor capital additions without the use of the allotment symbol MRO or of the rating DO-MRO.

(c) *Limitation for installation.* The allotment symbol MRO and the rating DO-MRO may not be applied by a person to obtain in any quarter (calendar or fiscal) installation materials for a total of installations exceeding in the aggregate 10 percent of the quarterly MRO quota established as provided in section 7 of this regulation, or $1,000, whichever is greater. This paragraph shall be construed to place no limitation on the acquisition of additional products or materials other than controlled materials for installation without the use of the allotment symbol MRO or of the rating DO-MRO.

(d) *Limitation on extension of the rating DO-MRO and of the allotment symbol MRO.* A producer of Class A products who receives a delivery order with the rating DO-MRO shall not extend such rating, but shall obtain his production materials in accordance with the provisions of section 15 of CMP Regulation No. 1. A producer of Class B products who receives a delivery order with the rating DO-MRO shall not extend such rating, but shall obtain his production materials from an industry division or claimant agency, as provided in CMP Regulations No. 1 and No. 3. All other suppliers may extend a DO-MRO rating to obtain materials to the extent permitted by and in accordance with the provisions of NPA Reg. 2. A supplier of controlled material who receives a delivery order bearing the allotment symbol MRO shall not extend such symbol.

SEC. 7. *Quarterly MRO quotas*—(a) *The quota base.* A person who applies the allotment symbol MRO to buy controlled materials or the rating DO-MRO to buy products and materials other than controlled materials must establish his quarterly MRO quota. The MRO quota base to be used in establishing the MRO quota shall include all expenditures made by a person in the base period for MRO (except for materials referred to in Schedule II of this regulation), even though such MRO consists of materials listed in Schedule I of this regulation. Expenditures during the base period for capital additions or installation materials shall not be included in the quota base.

(b) *Standard base period.* The standard base period is the calendar year 1950.

(c) *Fiscal year base period.* If a person operated on the basis of a fiscal year prior to March 1, 1951, he may elect to take as his base period his last fiscal year ending prior to that date. After

such an election has been made, it may not thereafter be changed without the prior written approval of NPA.

(d) *Standard quota.* The standard quarterly quota is 30 percent of the quota base.

(e) *Seasonal quota.* A person may elect to establish seasonal quarterly quotas. An election so made may not be changed thereafter without the prior written approval of NPA. Such seasonal quota for any quarter shall be 120 percent of the expenditures by the person for MRO during the corresponding quarter in 1950, or during the corresponding quarter in the last fiscal year ending prior to March 1, 1951.

(f) *Persons not in operation throughout the base period.* A person not in operation throughout the entire base period shall establish and report his quarterly MRO quota as follows:

(1) *Person operating during part of the base period.* A person who was in operation during a part but not all of the calendar year 1950 (or of his last fiscal year ending prior to March 1, 1951) shall determine his quota base by computing the amount he would have spent for MRO (except for materials referred to in Schedule II of this regulation) had he continued the same rate of expenditure throughout the year as during that part of the year in which he was in operation, making necessary corrections to compensate for seasonal or other exceptional characteristics of the period in which he was in operation. His standard quarterly MRO quota shall be 30 percent of his quota base. If he elects to establish seasonal quarterly quotas, as above provided, he may divide 120 percent of his quota base into four quarterly MRO quotas in accordance with the seasonal demands of the activity in which he is engaged.

(2) *Persons not in operation during the base period.* If a person was not in operation in any part of the calendar year 1950 (or of his last fiscal year ending prior to March 1, 1951), his quarterly MRO quota (standard or seasonal) shall be the amount which he determines to be necessary for his operation. The quota of such person may not, however, exceed $5,000 for any quarter without the prior written approval of NPA. Request for authority to establish a quota in excess of $5,000 in any quarter shall be submitted on Form NPAF–78 in accordance with the provisions of section 15 of this regulation.

(3) *Notice to NPA.* A person who establishes a quarterly MRO quota in excess of $1,000 pursuant to subparagraphs (1) or (2) of this paragraph (f) shall, within 30 days after he first applies either the allotment symbol MRO or the rating DO–MRO, notify NPA in writing of the quota he has established, the base period he has used, the method he used in computing his quota, and the corrections he made for seasonal or other factors.

(g) Any person whose quarterly MRO quota, as calculated pursuant to the provisions of this section, is less than $1,000, may, nevertheless, order (or receive) in any quarter MRO aggregating not more than $1,000.

(h) *Future use of increased quotas.* If the quarterly MRO quota of a person is increased by specific authorization of NPA pursuant to section 15 of this regulation, the increased quota becomes his standard quota unless the increase is granted on a temporary or seasonal basis or is otherwise restricted by the terms of the authorization. An increased quarterly MRO quota granted as a seasonal quota may be used only in the corresponding quarter of subsequent years.

(i) *Increase not retroactive.* An increase in quota granted pursuant to section 15 of this regulation is not retroactive.

SEC. 8. *Charges against MRO quota*—(a) *When to charge against quota.* A person may elect to charge expenditures against his MRO quota for the quarter (calendar or fiscal) in which his purchase order specifies delivery is to be made (the delivery basis), or against his MRO quota for the quarter in which the materials are actually received (the receipts basis). Having elected to use one method, he may not thereafter change to the other without the prior written approval of NPA.

(b) *What to charge against quota.* A person shall charge against his MRO quota in each quarter all expenditures for materials for MRO (except materials referred to in Schedule II of this regulation) ordered for delivery (or, if on the receipts basis, received) during the quarter, whether or not obtained by use of the allotment symbol MRO or the rating DO–MRO.

(c) *Exception.* Any person who uses the allotment symbol MRO or the rating DO–MRO to order for delivery (or, if on the receipts basis, to receive) during any quarter materials for MRO which aggregate not more than 20 percent of his MRO quota for such quarter, may, in addition, order for delivery (or receive) in such quarter other material for MRO without use of the allotment symbol MRO or the rating DO–MRO and without regard to quota limitations.

SEC. 9. *Materials obtained for the benefit of another*—(a) *Materials supplied by a repairman.* Any business enterprise (such as a repair shop) engaged in doing maintenance, repair, or installation work for any other person may apply the allotment symbol MRO to obtain controlled materials and the rating DO–MRO to obtain products and materials other than controlled materials to the same extent that such other person would be entitled to apply the allotment symbol or rating if he were doing the work himself. The cost of materials so obtained shall be charged to the MRO quota of the person for whom the work is done.

(b) *Obligation to supply MRO under lease or other agreement.* A person who is obligated to maintain, repair, or operate any plant, facility, or equipment, under the terms of any lease or other agreement for the use of such property by another person, may apply the allotment symbol MRO or the rating DO–MRO to obtain materials needed for such purposes. Expenditures for such materials shall be charged to the MRO quota of the person thus applying the allotment symbol MRO or the rating DO–MRO except that, if his purchase is made on a reimbursable basis for the account of the person using the property, the MRO quota of the latter shall be charged.

SEC. 10. *Use of materials for another purpose.* If a person has obtained materials for MRO, installation, or minor capital additions by applying the allotment symbol MRO on the rating DO–MRO, as the case may be, he may use them for a different purpose if under an authorized production schedule or authorized construction schedule he could have applied any other allotment number or symbol or rating to acquire them for such purpose. However, if he does use them for such other purpose, he may not use the allotment symbol MRO or the rating DO–MRO to replace them in inventory. To replace such materials in inventory he may use only the allotment number or symbol, or DO rating under such authorized production or construction schedule which he might have applied to obtain them for the purpose for which he used them. If he uses such materials obtained by applying the allotment symbol MRO or rating DO–MRO for such other purpose, his records must be adequate to show that his purchases of material are substantially proportionate to his authorized uses.

SEC. 11. *Certification.* A delivery order for MRO or materials for installation or minor capital additions must contain a certification in addition to the allotment symbol MRO or the rating DO–MRO. Unless another form of certification is specifically prescribed by an applicable order or regulation of NPA, such certification shall be in the following words:

Certified under CMP Regulation No. 5

and shall be signed as provided in NPA Reg. 2. This certification shall constitute a representation to the supplier and to NPA that the purchaser is authorized to use the allotment symbol or the rating under the provisions of this regulation to obtain the materials covered by the delivery order.

SEC. 12. *Supplier receiving orders improperly bearing the allotment symbol MRO or the rating DO–MRO.* When a supplier has received a purchase order bearing the allotment symbol MRO or the rating DO–MRO, which symbol or rating he knows, or has reason to believe, has been used in violation of any NPA regulation or order, the supplier shall refuse to accept it as an authorized controlled material order or rated order, as the case may be. In such event, the supplier shall advise the buyer of his reason for such refusal, and shall also advise NPA of his receipt of the order, his refusal to accept it, and his reason for such refusal.

SEC. 13. *Relation to other regulations and orders*—(a) *Rules governing use of the allotment symbol MRO or the rating DO–MRO.* Any person who is entitled to obtain materials for his MRO, installation, or minor capital additions under any other NPA regulation or order, shall

be governed by the provisions of such other order or regulation and shall not use the allotment symbol MRO or the rating DO-MRO as provided in this regulation.

(b) *Inventory limitations.* Nothing in this regulation shall be deemed to authorize any person to order or receive any controlled materials if acceptance thereof would increase his inventory beyond the limitations permitted by CMP Regulation No. 2, or the limit fixed in any other applicable NPA regulation or order. Nothing in this regulation shall be deemed to authorize any person to order or receive products or materials other than controlled materials if acceptance thereof would increase his inventory beyond a practicable minimum working inventory as defined in NPA Reg. 1 or beyond the limit fixed in any other applicable NPA order or regulation.

(c) *Delegations to Government agencies.* This regulation does not revoke or prevent the use of any authority delegated by NPA to any other Government agency whereby such agency may use allotment symbols other than MRO or ratings other than DO-MRO, as the case may be, for direct procurement of its own requirements of MRO, installation material, or minor capital additions.

(d) *Other regulations and orders.* Nothing in this regulation shall be construed to relieve any person from the obligation of complying with such limitations on acquisition or use of materials or such other provisions as may be contained in any applicable regulation or order of NPA or with any order of any other competent authority.

SEC. 14. *Records and reports*—(a) *Records to be kept.* Each person who makes any use of the allotment symbol MRO or the rating DO-MRO pursuant to this regulation shall make and preserve at his regular place of business for at least 3 years accurate and complete records showing what his quarterly MRO quotas are, how he computed them, the factual justification for them and for corrections or revisions thereof, any elections made as to the use of seasonal quotas, methods of figuring quotas and charges against them, or other options exercised, and records of receipts, deliveries, inventories, production, and use of all materials for MRO, installation, or minor capital additions, whether or not by use of the allotment symbol or rating, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this regulation. This requirement does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) *Inspection and audit.* All records required by this regulation shall be made available for inspection and audit by duly authorized representatives of NPA, at the usual place of business where maintained.

(c) *Other records and reports.* Persons subject to this regulation shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

SEC. 15. *Request for adjustment or exception.* (a) Any person affected by any provision of this regulation may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this regulation, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. A request for an adjustment of the MRO quota shall be submitted in writing in triplicate on Form NPAF-78; a request for an adjustment of the installation or minor capital addition quotas and a request for an exception to any other provision of this regulation shall be submitted by letter in triplicate and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

(b) Subject to the provisions of paragraphs (g) and (h) of section 7 of this regulation, any adjustments or exceptions granted under the provisions of NPA Reg. 4 shall continue to apply under this regulation.

SEC. 16. *Communications.* All communications concerning this regulation shall be addressed to the National Production Authority, Washington 25, D. C., Ref: CMP Regulation No. 5.

SEC. 17. *Violations.* Any person who wilfully violates any provision of this regulation or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this regulation, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: The quotas established by this regulation, as amended December 20, 1951, shall apply to all operations beginning with the first calendar quarter of 1952. The quotas contained in CMP Regulation No. 5, as amended on July 17, 1951, shall apply to all operations prior to the first calendar quarter of 1952.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This regulation, as amended, shall take effect on December 20, 1951.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

SCHEDULE I TO CMP REGULATION NO. 5

Materials to which the allotment symbol MRO or the rating DO-MRO may not be applied or extended under CMP Regulation No. 5:

1. All basic, organic, or inorganic chemicals, their intermediates and derivatives other than compounded end products not customarily sold as chemicals.
2. Products appearing in List A of NPA Order M-47A, as that order may be amended from time to time (except in item 28 of Section VIII of List A), or in List B of said order (except painters' and industrial brushes, as defined in NPA Order M-18, as that order may be amended from time to time).
3. Nylon fibers and yarns.
4. Packaging materials and containers, except steel nails, steel wire, and steel strapping used for packaging purposes.[1]
5. Paint, lacquer, and varnish.
6. Paper and paper products.
7. Paperboard and paperboard products.
8. Printed matter.
9. Photographic film.
10. Pneumatic tires and tubes.
11. Waterfowl feathers.

SCHEDULE II TO CMP REGULATION NO. 5

Materials contained in NPA Reg. 2, List A, as the same may be amended or supplemented from time to time.

[F. R. Doc. 51-15220; Filed, Dec. 20, 1951; 11:50 a. m.]

[CMP Regulation No. 7, as Amended December 20, 1951]

CMP REG. 7—REPAIR PARTS AND MATERIALS FOR REPAIRMEN UNDER THE CONTROLLED MATERIALS PLAN

This regulation, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the amendment affects many different industries. In the formulation of this regulation prior to the amendment, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations.

CMP Regulation No. 7 is hereby amended to provide assistance to persons who require materials for installation and to make other changes deemed necessary in the light of experience under the regulation. Accordingly, sections 1, 2, 3, 4, 6, 9, 10, and 12 are amended; and Schedule I is added. As so amended, CMP Regulation No. 7 reads as follows:

[1] Controlled material producers shall continue to obtain packaging materials and containers in the manner prescribed by section 21 of CMP Regulation No. 1, and not by use of the allotment symbol MRO or the rating DO-MRO.

Sec.

AUTHORITY: Sections 1 to 12 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071. sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *What this regulation does.* The purpose of this regulation is to describe the rules under which a person in the business of making repairs or installations may obtain controlled materials and products and materials other than controlled materials under the Controlled Materials Plan for use in maintenance and repair or installation work for persons who do not have and are not entitled to establish an MRO quota under CMP Regulation No. 5 or under any other regulation or order of NPA. A repairman obtains materials for maintenance and repair or installation work for persons who have a quota under CMP Regulation No. 5 by using the allotment symbol MRO and the rating DO–MRO of such person as provided in section 9 of CMP Regulation No. 5. This regulation does not limit the quantity of controlled materials or products and materials other than controlled materials which a repairman may obtain without using the procedure it establishes. However, if a repairman makes use of the procedure provided in this regulation in any quarter to obtain materials, he is subject to all the provisions thereof. This regulation also imposes special restrictions on inventory applicable to every repairman.

SEC. 2. *Definitions.* As used in this regulation:

(a) "Controlled material" means steel, copper, and aluminum, in the forms and shapes indicated in Schedule I of CMP Regulation No. 1.

(b) "Repairman" means any person in the business of providing maintenance or making repairs or installations commercially for other persons in the United States, its territories or possessions. The term "repairman" includes but is not limited to a carpenter, electrician, electrical contractor, motor rewinder, plumber; or the operator of an automotive repair shop, bicycle repair shop, blacksmith shop, boiler repair shop, domestic appliance sales, service, or repair shop, farm machinery repair shop, radio and/or television sales, service, or repair shop, refrigeration sales, service, or repair shop, upholstery repair shop, and sheet metal shop. It also includes repair and installation shops owned by the persons for whom the repair or installation work is done if the person can segregate the purchases of his repair or installation shop from his other purchases and if he employs at least one person in each such shop who spends his full time on maintenance and repair or installation. The term also includes any person who reconditions or rebuilds damaged or used items for resale.

(c) "Repair parts and materials" means any item which a repairman stocks and uses for repair or installation work. The term "repair parts and materials" does not include a complete item which is ordinarily usable as a unit. For example, a repairman may use the allotment symbol or the rating specified in this regulation to obtain an item such as a furnace grate to repair a furnace or a television antenna to install a television receiver. He may not, however, use the symbol or rating to obtain a new furnace or a television receiver for installation as a complete unit.

(d) "Maintenance" means the minimum upkeep necessary to continue any building, appliance, machine, or piece of equipment in sound working condition. "Repair" means the restoration of a building, appliance, machine, or piece of equipment to sound working condition, when it has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like. Neither "maintenance" nor "repair" includes the replacement of a building, appliance, machine, or piece of equipment; nor does it include the improvement of any building, appliance, machine, or piece of equipment by replacing parts or materials which are in sound working condition with parts or materials of a new or different kind, quality, or design.

(e) "Person" means any individual, partnership, corporation, association, or other organized group, and includes agencies of the United States Government or of any other government. If in the year immediately preceding July 1, 1951, a person operated more than one establishment for the purpose of providing maintenance or making repairs or installations commercially for other persons, he may treat each establishment so operated as a separate person for the purpose of this regulation.

(f) "NPA" means the National Production Authority.

(g) "Installation" means the setting up or relocation of appliances, machines, or pieces of equipment, including but not limited to refrigerators, stoves, television receiving sets, and washing machines, in position for service, and the connection thereof to existing service facilities in an existing building, structure, or project. Such installation is not construction, as defined in NPA Order M–4A. Where such setting up or relocation occurs in connection with the erection of or an extension to a building, structure, or project it shall not be considered installation for the purposes of this regulation. No installation may be subdivided for the purpose of bringing it or any part of it within this definition.

SEC. 3. *Amount of controlled materials that a repairman may buy.* (a) During the calendar quarter commencing July 1, 1951, and during each calender quarter thereafter, a repairman may use the allotment symbol RE on delivery orders for controlled materials to the extent he actually requires such materials in doing maintenance and repair or installation work for persons who do not have and are not entitled to establish a quota under CMP Regulation No. 5, but for not in excess of the following quantities:

Carbon steel (including wrought iron), alloy steel (except stainless steel), stainless steel (to include not more than 3 tons of alloy steel and 1 ton of stainless steel)	20 tons.
Copper and copper-base alloy brass mill products, copper and copper-base alloy foundry products and powder	500 pounds.
Aluminum	500 pounds.

A repairman who requires copper wire mill products for functional uses in his repair and maintenance or installation work may use during the calendar quarter commencing July 1, 1951, and during each calendar quarter thereafter, the allotment symbol RE on delivery orders for copper wire mill products to the extent he actually requires such materials in maintenance and repair or installation work for persons who do not have and are not entitled to establish a quota under CMP Regulation No. 5, but for not in excess of $150 worth, or 20 percent of what he used in his repair and maintenance work in the calendar year 1950, whichever is greater. A delivery order for controlled materials bearing the symbol RE, together with the certification provided in section 5 of this regulation, shall constitute an authorized controlled material order for the purpose of all CMP regulations.

(b) A repairman who does repair, maintenance, or installation work for persons who have the right to use the allotment symbol MRO under CMP Regulation No. 5, or an allotment symbol under any other NPA regulation or order, to buy controlled materials for their own maintenance and repair, minor capital additions, or installations, must use the allotment symbol MRO and the certification provided in CMP Regulation No. 5, or the allotment symbol and certification specified in such other regulation or order, to obtain the amount of controlled materials he needs to do their work or to replace in inventory what he has already used for that purpose. He shall not use the allotment symbol RE to acquire controlled materials for maintenance and repair work for such persons.

SEC. 4. *How a repairman obtains products and materials other than controlled materials.* (a) Commencing July 1, 1951, a repairman may use the rating DO–RE on delivery orders for products and materials other than controlled materials which he actually needs to perform his repair, maintenance, or installation work and for which he has not received from another person a purchase order bearing a DO–MRO rating. A delivery order bearing the rating DO–RE together with the certification provided in section 5 of this regulation, shall constitute a rated order with an allotment symbol for the purpose of all CMP regulations.

(b) A repairman who does repair, maintenance, or installation work for persons who have the right to use the rating DO–MRO under CMP Regulation No. 5, or another rating under any other NPA regulation or order, to buy products and materials other than controlled materials for their own maintenance and repair, minor capital additions, or installations, must use the rating DO–MRO and the certification provided in CMP Regulation No. 5, or the rating and certification provided in such other regulation or order, to obtain the products and materials which he needs to do their work or to replace in inventory what he has already used for that purpose. He shall not use the rating DO–RE to acquire products and materials other than controlled materials for maintenance and repair work for such persons.

(c) The rating DO–RE shall not be applied or extended by a person to obtain any of the materials or articles listed in Schedule I of this regulation.

SEC. 5. *Certification.* A repairman shall place on each of his delivery orders for repair parts and materials under this regulation, in addition to the allotment symbol RE provided in section 3 (a) or the rating DO–RE provided in section 4 (a) of this regulation, a certification in the following form:

Certified under CMP Regulation No. 7

Such certification shall be signed as provided in NPA Reg. 2. This certification shall constitute a representation to the supplier and to NPA that the repairman is authorized to use the allotment symbol RE or the rating DO–RE under the provisions of this regulation to obtain the materials covered by the delivery order.

SEC. 6. *Use of materials by a repairman.* A repairman may use the repair parts and materials which he buys under this regulation only to do maintenance, repair, and installation work, as defined in section 2 of this regulation. He may not use what he buys under this regulation to make products, such as repair parts, which he does not expect to use himself in making repairs; nor may he use what he buys under this regulation to replace materials or parts solely to improve the original design. A repairman may, however, use repair parts and materials which he buys under this regulation to recondition or rebuild a damaged or used item which he plans to sell.

SEC. 7. *Restrictions on inventory.* Whether or not he uses the procedure specified in this regulation to obtain materials, a repairman may not receive or accept delivery of any item of controlled material if his inventory of that item is, or by such receipt would become, more than he needs to operate his business as a repairman during the next 60 calendar days, or of any item of a product or material other than a controlled material, if his inventory of that item is, or by such receipt would become, in excess of a "practicable minimum working inventory," as defined in NPA Reg. 1. If his inventory of those items of repair parts and materials which are normally marketed only in minimum sales quantities is less than such permitted amount, a repairman may order and receive from his supplier a minimum sales quantity, even if his inventory of such item or items is thereby increased beyond such permitted amount.

SEC. 8. *Applicability of other regulations and orders.* Nothing in this regulation shall be construed to relieve any person from complying with all other applicable regulations and orders of NPA.

SEC. 9. *Records and reports.* (a) Each person participating in any transaction covered by this regulation shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this regulation. This regulation does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this regulation shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this regulation shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

SEC. 10. *Request for adjustment or exception.* Any person affected by any provision of this regulation may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this regulation, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor. If the request for relief is a request for authorization to use the allotment symbol RE to obtain more controlled materials than permitted under section 3 (a) of this regulation, such request shall also state the additional amount of controlled materials required, the type of maintenance and repair or installation work being done, and the kind of customers for which it is being done.

SEC. 11. *Communications.* All communications concerning this regulation shall be addressed to the National Production Authority, Washington 25, D. C., Ref: CMP Regulation No. 7.

SEC. 12. *Violations.* Any person who wilfully violates any provision of this regulation or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this regulation, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This regulation, as amended, shall take effect December 20, 1951.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

SCHEDULE I TO CMP REGULATION NO. 7

Materials or articles in the acquisition of which the rating DO–RE may not be applied or extended under CMP Regulation No. 7:

1. All basic, organic, or inorganic chemicals, their intermediates and derivatives other than compounded end products not customarily sold as chemicals.
2. Nylon fibers and yarns.
3. Paint, lacquer, and varnish.
4. Paper and paper products.
5. Paperboard and paperboard products.
6. Materials contained in NPA Reg. 2, List A, as the same may be amended or supplemented from time to time.

[F. R. Doc. 51–15221; Filed, Dec. 20, 1951; 11:50 a. m.]

[NPA Order M–50, as Amended December 20, 1951]

M–50—ELECTRIC UTILITIES

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950 as amended. In the formulation of this order, as amended, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects NPA Order M–50, as amended August 21, 1951, as follows: Paragraph (l) (2) of section 2 is amended; paragraph (p) of section 2 is amended; section 4 is amended; section 5 is amended; paragraph (c) of section 21 is amended and redesignated paragraph (d); a new paragraph (c) is added to section 21; section 22 is amended and retitled; section 23 is deleted; section 24 is amended and redesignated section 23; section 32 is amended; section 34 is amended; section 41 is amended; a new paragraph (e) is added to sec-

tion 42; section 44 is amended; Appendices A, B, C, D, and E are amended to provide the full first quarter 1952 quotas of controlled materials for minor requirements and to authorize advance allotments for minor requirements for the last three quarters of 1952.

As so amended, NPA Order M–50 reads as follows:

ARTICLE I—GENERAL PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Applications for adjustment or exception.
4. Records and reports.
5. Communications.
6. Violations.

ARTICLE II—PROCUREMENT OF CONTROLLED MATERIALS GENERALLY

21. Effect on other orders.
22. Restrictions on receipt of controlled materials.
23. Use of allotment numbers, rating designations, and certifications.

ARTICLE III—MAJOR PLANT ADDITIONS

31. Restrictions on construction.
32. Construction schedules and allotments for major plant additions.
33. Required use of excess inventory.
34. Authorization to use DO rating to obtain products and materials other than controlled materials for major plant additions.

ARTICLE IV—MINOR REQUIREMENTS

41. Allotments of controlled materials for minor requirements.
42. Quarterly controlled material quotas for minor requirements.
43. Applications for increased controlled materials quotas.
44. Authorization to use DO ratings to obtain products and materials other than controlled materials for minor requirements.
45. Inventory restrictions.

AUTHORITY: Sections 1 to 45 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071. Sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *What this order does.* This order provides rules of special application to the procurement and use of materials by electric utilities. It sets forth the procedure by which electric utilities procure materials under the Controlled Materials Plan. It modifies the application to electric utilities of CMP Regulations Nos. 2 and 6, as well as other orders and regulations of NPA.

SEC. 2. *Definitions.* (a) "Electric utility" means any individual, partnership, association, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not, located in the United States, its territories or possessions, supplying, or having facilities built for supplying, electric power, directly or indirectly, for general use by the public or, in the case of a cooperative, for use by its members. If an electric utility is engaged in the supply of electric power and in other activities, this order shall apply only to the procurement and use of materials required directly or indirectly for the supply of electric power.

(b) "DEPA" means the Administrator of Defense Electric Power Administration.

(c) "Maintenance" means the continuation of any plant, facility, or equipment in sound working condition; and "repair" means the restoration of any plant, facility, or equipment to sound working condition when it has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like. "Maintenance" and "repair" include the replacement of any equipment regardless of its accounting classification, but neither "maintenance" nor "repair" includes the improvement of any plant, facility, or equipment, or the replacement of material which is in sound working condition with material of a better kind, quality, design, or greater capacity.

(d) "Operating supplies" means material, other than fuel, which is consumed in the course of an electric utility's operations, except in maintenance, repair, and plant additions.

(e) "Gross weight of conductor" means, in the case of overhead lines, the weight of conductor as installed, including steel content in the case of conductor containing steel, without deduction for material salvaged; and in the case of underground lines the copper and aluminum content only, without deduction for material salvaged.

(f) "Line construction" means construction of both overhead and underground lines.

(g) "Net material cost" means the cost of all material, including any commodity, equipment, accessory, part, assembly, or product of any kind, incorporated in plant, less the cost of all material removed from plant, priced in accordance with the electric utility's regular accounting practice.

(h) "Plant addition" means the construction or installation of new facilities or the replacement of existing facilities with facilities of greater capacity. Single plant additions may not be combined or subdivided for purposes of affecting their classification as "major plant additions," as defined in this section. To assist in determining whether particular construction constitutes one, or more than one, plant addition, it shall be considered that a single plant addition consists of:

(1) Any construction of related facilities, excluding maintenance and repair work, which is completed during a continuous period of construction, not interrupted by periods of time such as months or years, except where such interruption is caused by uncontrollable forces, such as adverse weather conditions.

(2) In the case of line construction, a single continuous integrated system of lines, with necessary connected substations. (Thus, several sections of line emanating from different points on a utility's system would be several plant additions, not one plant addition.)

(i) "Major plant addition" means any plant addition which involves one or more of the following:

(1) Line construction designed for operation at more than 15 kv where the plant addition requires more than 10,000 pounds gross weight of conductor; or

(2) Line construction designed for operation at 15 kv or less where the plant addition has a net material cost exceeding $50,000; or

(3) Non-line construction necessary for the generation, transmission, and distribution of electric power, where the plant addition has a net material cost over $50,000, excluding construction of facilities for use as a garage, warehouse, operating headquarters, office building, administrative building, or other similar use, unless such facilities are essential for the generation, transmission, and distribution of electric power.

(j) "Approved major plant addition" means any major plant addition in which DEPA has authorized commencement or continuation of construction.

(k) "Minor requirements" means electric utility requirements of controlled materials and other materials for all purposes (including MRO) except major plant additions, and except construction of facilities for use as a garage, warehouse, office building, administrative building, or other similar use, unless such facilities are essential for the generation, transmission, and distribution of electric power.

(l) "Inventory" of any item of material means new or salvaged material in the possession of an electric utility, unless physically incorporated in plant, without regard to its accounting classification, excluding, however:

(1) Any material specifically set aside on April 1, 1951, for use in time of emergency, and replacement thereof; and

(2) Any material set aside on July 17, 1951, or thereafter, for use in an approved major plant addition. Any material set aside for use in any such major plant addition shall be returned to inventory as soon as it becomes apparent that such material will not be used in such major plant addition.

(m) "Practicable minimum working inventory" means the smallest quantity of material from which an electric utility can reasonably supply its services on the basis of its currently scheduled method and rate of operation. In the absence of unusual circumstances, if the ratio of an electric utility's inventory to its currently scheduled operations is substantially greater than the ratio which it found necessary to maintain between inventory and operations during the recent past, its inventory will be considered excessive.

(n) "Permissible inventory" of any item of material means the quantity of such material which is necessary for use in supplying electric service on the basis of an electric utility's scheduled method and rate of operation pursuant to this order during the succeeding 90-day period, or a practicable minimum working inventory, whichever is less.

(o) "Excess inventory" of any item means that part of an electric utility's inventory of such item which exceeds its permissible inventory of such item.

(p) "Authorized construction schedule," "controlled material," "allotment," "Class A product," "Class B product," "delivery order," and "authorized con-

trolled material order" shall have the meanings respectively assigned to such terms in CMP Regulation No. 6; "repairman" shall have the meaning assigned to such term in CMP Regulation No. 7.

SEC. 3. *Applications for adjustment or exception.* (a) Any electric utility affected by any provision of this order may file a request for adjustment or exception on the ground that such provision works an undue or exceptional hardship upon such utility not suffered generally by other electric utilities, or that its enforcement against such utility would not be in the interest of national defense or in the public interest. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

(b) Each such request shall be addressed to DEPA and, if approved, DEPA will grant an appropriate adjustment or exception.

SEC. 4. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority or DEPA, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to DEPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 5. *Communications.* All communications concerning this order shall be addressed to the Defense Electric Power Administration, Washington 25, D. C., Ref: NPA Order M–50.

SEC. 6. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA, or who wilfully conceals a material fact or furnishes false information in the course of operation under this order, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials, or of using facilities under priority or allocation control, and to deprive him of further priorities assistance.

ARTICLE II—PROCUREMENT OF CONTROLLED MATERIALS GENERALLY

SEC. 21. *Effect on other orders.* (a) This order modifies the application of CMP Regulation No. 6 (Construction) to electric utilities and supersedes any conflicting provisions in CMP Regulation No. 6. All of the provisions of CMP Regulation No. 6 apply to electric utilities except as modified by this order.

(b) The provisions of CMP Regulation No. 5 shall not apply to electric utilities. Electric utilities shall procure materials for maintenance, repair, and operating supplies in the manner provided in Article IV of this order.

(c) The provisions of CMP Regulation No. 7 apply to repairmen doing work for an electric utility. A repairman must use the H–4 allotment symbol to obtain the controlled materials needed to do repair work for an electric utility. Controlled materials so ordered shall constitute a charge against the utility's minor requirements allotments. Controlled materials necessary for the repair of utility customers' electric appliances shall not be ordered by use of the H–4 allotment symbol. Instead, such controlled materials shall be obtained in the manner provided in CMP Regulation No. 7.

(d) The inventory provisions of this order supersede any conflicting provisions in CMP Regulation No. 2 or any other order concerning inventory of controlled materials. For products and materials other than controlled materials, specific inventory limitations in other NPA orders are applicable to electric utilities. In the absence of such other orders the inventory provisions of this order apply.

SEC. 22. *Restrictions on receipt of controlled materials.* Unless prior authorization is granted by DEPA, no electric utility shall receive any controlled materials which were not ordered pursuant to an allotment made by DEPA.

SEC. 23. *Use of allotment numbers, rating designations, and certification.* Authorized controlled material orders for major plant additions shall show the allotment number H–3; authorized controlled material orders for minor requirements shall show the allotment number H–4. Such orders shall also show the calendar quarter in which the allotment is valid. For example, a delivery order for controlled materials placed pursuant to an allotment valid for the first quarter of 1952 shall be designated as follows:

For major plant additions—
H–3–1Q52
For minor requirements—
H–4–1Q52

In addition, each authorized controlled material order shall be certified as follows:

Certified under CMP Regulation No. 6 and NPA Order M–50

and shall be signed as provided in NPA Reg. 2. DO–H–3 rated orders and DO–H–4 rated orders shall also be certified and signed in such manner.

ARTICLE III—MAJOR PLANT ADDITIONS

SEC. 31. *Restrictions on construction.* No electric utility may commence construction of any major plant addition or use any controlled material in any major plant addition without specific authorization from DEPA. DEPA authorization to commence or continue construction does not necessarily mean that DEPA will allot materials in the amounts requested by any electric utility.

SEC. 32. *Construction schedules and allotments for major plant additions.* A construction schedule for each major plant addition will be authorized by DEPA on Form DEPA 7. Construction schedules will be authorized on the basis of information furnished by electric utilities on Form DEPA 9 submitted for such major plant addition, or pursuant to application made in such manner as DEPA may hereafter require.

SEC. 33. *Required use of excess inventory.* Any electric utility which has an excess inventory of any material shall use such material in approved major plant additions to the extent, and on the earliest date, that such materials are required in any approved major plant addition. In filing applications for allotments of controlled materials for major plant additions, excess inventories shall be taken into account, and in stating its requirements of controlled material for any major plant addition, no electric utility shall include in its requirements any quantity of material which is available in excess inventory.

SEC. 34. *Authorization to use DO rating to obtain products and materials other than controlled materials for major plant additions.* Subject to any special provisions contained in any appendix to this order, a DO–H–3 rating is hereby assigned to each authorized construction schedule for a major plant addition. This rating may be used only to acquire products and materials other than controlled materials in the minimum practicable amounts required and on a date or dates no earlier than required to fulfill such schedule or to replace in inventory products and materials other than controlled materials used to fulfill authorized construction schedules for major plant additions.

ARTICLE IV—MINOR REQUIREMENTS

SEC. 41. *Allotments of controlled materials for minor requirements.* Subject to the restrictions contained in section 45 of this order, each electric utility is hereby granted an allotment of controlled materials for minor requirements in the amount of its quota for each controlled material as provided in section 42 of this order, and is authorized to use such allotment for minor requirements. No electric utility shall place authorized controlled material orders for minor requirements of any controlled material in excess of its quota for such controlled material. Each authorized controlled materials order for minor requirements shall contain the allotment number H–4 as provided in section 23 of this order.

SEC. 42. *Quarterly controlled material quotas for minor requirements.* Unless DEPA has prescribed otherwise, an electric utility may elect to use either a standard quota or an alternative quota, but may not thereafter change from one

quota to the other without the express approval of DEPA.

(a) *Standard quota.* An electric utility's standard quota for any controlled material for any calendar quarter is the percentage specified in the applicable appendix to this order of the quantity of such material which was used for minor requirements in the calendar year 1950 (or, if it operated on a fiscal year basis, in its fiscal year ending nearest to December 31, 1950).

(b) *Alternative quota.* An electric utility's alternative quota for any controlled material for any calendar quarter is the percentage specified in the applicable appendix to this order of the quantity of such material which it used in the corresponding calendar quarter of 1950 (or, if it operated on a fiscal year basis, in the corresponding quarter of its fiscal year ending nearest to December 31, 1950).

(c) *Quota where 1950 base inapplicable.* An electric utility not in operation throughout the year 1950 (calendar or fiscal) shall establish its standard or alternative controlled material quota in accordance with this section by adjusting, in direct proportion, its actual use of such controlled material for part of the year to an annual basis. To determine an alternative quota in such cases, the adjusted annual use may be unequally distributed among 4 quarters to reflect seasonal variations. An electric utility not in operation throughout 1950 shall report to DEPA the controlled material quota which it establishes in accordance with this section. If an electric utility was not in operation during any part of the year 1950 (calendar or fiscal), it may apply to DEPA for a controlled material quota, supplying, in detail, information pertinent to a proper evaluation of its application.

(d) *Quotas established by DEPA.* DEPA may, by notice addressed to individual electric utilities, prescribe quarterly controlled material quotas for minor requirements greater or less than such utility's standard or alternative quotas.

(e) *Emergency excess of quotas.* If an electric utility has so far exhausted its minor requirements allotment that an insufficient allotment remains in any quarter to procure necessary controlled material for maintenance or repair of its equipment or property, other than buildings, which is damaged or destroyed by extraordinary cause such as explosion, fire, sabotage, act of the public enemy, flood, storm, or similar catastrophe, the utility may exceed its minor requirements allotment for that quarter to the extent necessary to procure such controlled material: *Provided however,* That any such excess of minor requirements allotment must be immediately reported, together with the reasons therefor, to DEPA.

SEC. 43. *Applications for increased controlled materials quotas.* Each application for an increased controlled material quota shall contain the following information:

(a) Statement of the amount of any special authorization which the utility has received.

(b) Statement of the total amount, in pounds or tons, of each controlled material requested to be authorized for use in minor requirements during each quarter, including the base period quota permitted by the applicable appendix to this order.

(c) Detailed statement of necessity for larger quota.

(d) Any additional information which may be pertinent to proper evaluation of the application.

SEC. 44. *Authorization to use DO ratings to obtain products and materials other than controlled materials for minor requirements*—(a) *Assignment of DO–H–4 ratings.* Subject to any special provisions in any appendix to this order, and subject to the provisions of paragraph (b) of this section, each electric utility is hereby authorized to use a DO–H–4 rating to order products and materials other than controlled materials necessary for use in connection with any minor requirements project which involves the use of any portion of its minor requirements allotment of any controlled material, and to order such additional amounts of products and materials other than controlled materials as are necessary for the operation, maintenance, and repair of its electric system.

(b) *Restrictions on the use of the DO–H–4 rating.* Use of the DO–H–4 rating by electric utilities is subject to the following restrictions:

(1) The DO–H–4 rating may be used only to acquire products and materials other than controlled materials in the minimum practicable amounts required and on a date or dates no earlier than required for the purposes specified in paragraph (a) of this section, or to replace in inventory products and materials other than controlled materials used for such purposes.

(2) No electric utility shall use the DO–H–4 rating to obtain any item costing more than $10,000 without specific authorization by DEPA. Requests for such authorization may be made by letter setting forth a complete description of the equipment, number of units, name of supplier, purchase value and utility's order number if the order has been placed, and the present and estimated future loads to be served from the installation for which such item is ordered. In addition, the request shall describe the location and facility where the equipment will be installed, such as "69/4.2 kv Bolmer Substation in Fisk, Iowa." If the equipment is for replacement, explain why existing equipment is inadequate. When the equipment is to be used as spare or stand-by facilities such as spare transformers, oil circuit breakers and generator windings, the request shall clearly indicate such equipment is spare, and justify its proposed use on the basis of previous experience, operating characteristics, the number of installations for which the item will serve as spare and for which no other adequate spare facilities are available, and set forth any other information pertinent to proper evaluation of such request.

(3) No electric utility shall use the DO–H–4 rating to obtain any materials on lease.

(4) No electric utility shall use the DO–H–4 rating to obtain any material listed in Schedules I and II of CMP Regulation No. 5, as amended from time to time.

SEC. 45. *Inventory restrictions.* No electric utility shall place delivery orders for any item of controlled material or other material if its inventory of such item is, or by receipt of such material would become, in excess of a permissible inventory. If an electric utility would be authorized by this section to place a delivery order for a quantity of any item of controlled material or other material less than the minimum sales quantity of such item, it may accept delivery of the minimum sales quantity of such item. The minimum sales quantity of any item of controlled material shall be the quantity designated in Schedule IV of CMP Regulation No. 1.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

This order as amended shall take effect December 20, 1951.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

APPENDIX A OF NPA ORDER M–50—ALUMINUM

1. *Definition.* "Aluminum" means aluminum in the forms and shapes indicated in Schedule I of CMP Regulation No. 1.

2. *Aluminum quotas for minor requirements for first quarter of 1952.*
Standard quota: 16.25 percent.
Alternative quota: 65.0 percent.

3. *Advance aluminum quotas for minor requirements.*
(a) Second quarter, 1952:
Standard quota: 9.75 percent.
Alternative quota: 39.0 percent.
(b) Third quarter, 1952:
Standard quota: 8.1 percent.
Alternative quota: 32.5 percent.
(c) Fourth quarter, 1952:
Standard quota: 4.06 percent.
Alternative quota: 16.25 percent.

4. *Exemption from quantity restrictions.* The quantity restrictions applicable to aluminum shall not apply to any electric utility which orders for delivery, in any calendar quarter, a weight of aluminum which does not exceed 1,000 pounds.

5. *Special provisions for ACSR.* Delivery orders for Aluminum Conductor Steel Reinforced shall bear the allotment symbol H–3 for major plant additions and H–4 for minor requirements, plus the appropriate quarter's designation. Orders so placed shall constitute a charge against each utility's aluminum allotment in the amount of the aluminum content of ACSR, but shall not constitute a charge against its steel allotment.

APPENDIX B OF NPA ORDER M–50—COPPER

1. *Definition.* "Copper" means the shapes and forms indicated in Schedule I of CMP Regulation No. 1 under the headings "Copper and copper-base alloy brass mill products," "Copper wire mill products," and "Copper and copper-base alloy foundry products and powder."

2. *Copper quotas for minor requirements first quarter of 1952.*
Standard quota: 18.75 percent.
Alternative quota: 75.0 percent.

3. *Advanced copper quotas for minor requirements.*
(a) Second quarter, 1952:
Standard quota: 11.25 percent.
Alternative quota: 45.0 percent.
(b) Third quarter, 1952:
Standard quota: 9.4 percent.
Alternative quota: 37.5 percent.
(c) Fourth quarter, 1952:
Standard quota: 4.7 percent.
Alternative quota: 18.75 percent.

4. *Exemption from quantity restrictions.* The quantity restrictions applicable to copper shall not apply to any electric utility which orders for delivery in any calendar quarter a quantity of copper which does not exceed 1,000 pounds in the aggregate.

5. *Special provisions for Amerductor and Copperweld conductor.* Delivery orders for Amerductor and Copperweld conductor shall bear the allotment symbol H-3 for major plant additions and H-4 for minor requirements, plus the appropriate quarter's designation. Orders so placed shall constitute a charge against each utility's copper allotment in the amount of the copper content of Amerductor or Copperweld conductor, but shall not constitute a charge against its steel allotment.

APPENDIX C OF NPA ORDER M-50—CARBON STEEL

1. *Definition.* "Carbon steel" means carbon steel, including wrought iron, in the forms and shapes indicated in Schedule I of CMP Regulation No. 1.

2. *Carbon steel quotas for minor requirements for first quarter of 1952.*
Standard quota: 18.75 percent.
Alternative quota: 75.0 percent.

3. *Advance carbon steel quotas for minor requirements.*
(a) Second quarter, 1952:
Standard quota: 11.25 percent.
Alternative quota: 45.0 percent.
(b) Third quarter, 1952:
Standard quota: 9.4 percent.
Alternative quota: 37.5 percent.
(c) Fourth quarter, 1952:
Standard quota: 4.7 percent.
Alternative quota: 18.75 percent.

4. *Exemption from quantity restrictions.* The quantity restrictions applicable to carbon steel shall not apply to any electric utility which orders for delivery in any calendar quarter a quantity of carbon steel which does not exceed 1,000 pounds.

APPENDIX D OF NPA ORDER M50—ALLOY STEEL (EXCEPT STAINLESS STEEL)

1. *Definition.* "Alloy steel" means alloy steel in the forms and shapes indicated in Schedule I of CMP Regulation No. 1.

2. *Alloy steel quotas for minor requirements for first quarter of 1952.*
Standard quota: 18.75 percent.
Alternative quota: 75.0 percent.

3. *Advance alloy steel quotas for minor requirements.*
(a) Second quarter, 1952:
Standard quota: 11.25 percent.
Alternative quota: 45.0 percent.
(b) Third quarter, 1952:
Standard quota: 9.4 percent.
Alternative quota: 37.5 percent.
(c) Fourth quarter, 1952:
Standard quota: 4.7 percent.
Alternative quota: 18.75 percent.

APPENDIX E OF NPA ORDER M-50—STAINLESS STEEL

1. *Definition.* "Stainless steel" means stainless steel in the forms and shapes indicated in Schedule I of CMP Regulation No. 1.

2. *Stainless steel quotas for minor requirements for the first quarter of 1952.*
Standard quota: 18.75 percent.
Alternative quota: 75.0 percent.

3. *Advance stainless steel quotas for minor requirements.*
(a) Second quarter, 1952:
Standard quota: 11.25 percent.
Alternative quota: 45.0 percent.
(b) Third quarter, 1952:
Standard quota: 9.4 percent.
Alternative quota: 37.5 percent.
(c) Fourth quarter, 1952:
Standard quota: 4.7 percent.
Alternative quota: 18.75 percent.

[F. R. Doc. 51-15222; Filed, Dec. 20, 1951; 11:50 a. m.]

[NPA Order M-75, as Amended December 20, 1951]

M-75—STEEL SHIPPING DRUMS

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to authority granted by the Defense Production Act of 1950, as amended. In the formulation of this order as amended, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order as amended was rendered impracticable because this order affects a large number of different trades and industries.

This order as amended constitutes in effect an entirely new order. As amended, NPA Order M-75 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. General restriction on packers.
4. Restrictions on use of drums.
5. Restrictions on inventory.
6. Restrictions on manufacture and delivery.
7. Exceptions.
8. Restrictions on purchase or receipt of certain special purpose drums.
9. Request for adjustment or exception.
10. Records and reports.
11. Communications.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C., App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C., App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *What this order does.* This order places restrictions on the sale or delivery of steel shipping drums, buckets, kits, and pails, and on the uses to which such containers may be put. Schedule I appearing at the end of this order lists certain commodities and classes of commodities which may not be packed in drums. Effective December 19, 1951, this order supersedes in its entirety NPA Order M-75 as issued July 6, 1951, but such superseding does not relieve any person of any liability incurred under NPA Order M-75 as issued July 6, 1951, nor deprive any person of any right received or accrued thereunder prior to the date of such superseding.

SEC. 2. *Definitions.* As used in this order:

(a) "Drum" means any single-walled container, cylindrical or bilged, having a capacity of 110 gallons or less and constructed of 28-gauge or heavier steel, including, but not limited to, buckets, kits, and pails. The term "drum" includes both new and used drums unless the context otherwise requires, but does not include shipping containers for fluid milk, beer barrels even if single-walled, cans as defined in NPA Order M-25, high- or low-pressure gas steel cylinders, nor any container of any type not usable commercially for transporting a commodity or product.

(b) "Used drum" means any drum which has been used for the shipping of, the storage of, or the intra- or interplant transfer of any commodity or product. The affixing of ends or other parts to used drums shall not cause them to be regarded as new drums.

(c) "New drum" means any drum which is not a used drum. The term "new drum" includes rejects or seconds.

(d) "Reject" or "second" means any newly manufactured drum which, because of some defect, cannot be used for the purpose for which it was intended.

(e) "Listed commodity" means any commodity or product which is listed, or is included in a class of commodities which is listed, in Schedule I of this order.

(f) "Unlisted commodity" means any commodity or product which is not a listed commodity.

(g) "Base period" means the calendar year 1950.

(h) "Packer" means any person who either (1) purchases empty drums and fills such drums in packing any product, or (2) purchases empty drums, has them filled for his account by another party, but who controls sale and distribution of the finished product after packing, or (3) manufactures drums for his own use for packing any product.

(i) "Incentive plan" means an agreement or understanding between packer and customer whereby the customer undertakes to return an empty used drum to the packer after removing its contents. (Examples: (1) The packer requires a deposit charge from the customer on each filled drum, and refunds or credits it to the customer upon return of the empty used drum; (2) the packer requires the return by the customer of an empty used drum as a condition precedent to making delivery of a filled drum to the customer; (3) the packer pays or credits to the customer, for each empty used drum returned by the customer, the OPS ceiling price plus return transportation charges.)

(j) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or of any other government.

SEC. 3. *General restriction on packers.* No packer shall purchase, accept delivery of, or use drums except as permitted by this order.

SEC. 4. *Restrictions on use of drums.* Subject to the exceptions set forth in section 7 of this order:

(a) No packer shall use any drum for the packing of a listed commodity.

(b) No packer shall use any drum for the packing of any listed or unlisted

commodity which he did not pack in drums during the 12-month period ending June 30, 1951.

(c) No packer, in the packing of unlisted commodities, shall use in the calendar quarter beginning October 1, 1951, or in any succeeding calendar quarter, a tonnage of new drums greater than 22.5 percent of the tonnage of new drums used by him during the base period for the packing of unlisted commodities: *Provided, however,* That the packer of any unlisted commodity which is packed seasonally may use in the packing thereof in any calendar quarter a tonnage of new drums not greater than 90 percent of the tonnage of new drums used by him in the packing thereof during the corresponding calendar quarter of the base period.

(d) Any packer may pack an unlisted commodity in a used drum, except as provided in paragraph (b) of this section.

SEC. 5. *Restrictions on inventory.* (a) Every packer shall compute his inventory of drums on the basis of his drums of each particular size or type. In computing his inventory of drums of a particular size or type, a packer shall include all such drums (including those suitable for reconditioning) in his possession or in the possession of his reconditioner or reconditioners. He need not include drums in transit to him or to a reconditioner or to a customer, or drums in the possession of a customer. Any packer who, on the effective date of this order, has outstanding any order for drums of a particular size or type calling for delivery in quantities greater than he would be permitted to receive under paragraph (b) of this section shall forthwith notify his supplier of the extent to which delivery cannot be accepted as scheduled, and every such order shall be adjusted accordingly.

(b) No packer shall receive or accept delivery of drums of a particular size or type at a time when his inventory of drums of that size or type exceeds, or by acceptance of such delivery would be made to exceed, a supply for 45 consecutive calendar days on the basis of his then scheduled method and rate of operation, taking into account customary seasonal fluctuations: *Provided, however,* That any packer, who would otherwise be prevented by the inventory restrictions imposed by this paragraph from receiving or accepting delivery of used drums returned to him by his customer pursuant to an incentive plan, may receive or accept delivery of drums so returned, but only to an extent which will not increase by more than one-third that quantity of any particular size or type of drum which he would be permitted to have in inventory independently of this proviso: *And provided further,* That any packer who, prior to July 6, 1951, customarily purchased drums in full carload lots or in full truckload lots, may continue to purchase in such lots, even if the receipt of the full carload or truckload lot increases his supply to a supply for more than 45 consecutive calendar days, provided he does not receive or accept delivery of any carload or truckload until his inventory of drums of each size and type included in such carload or truckload is less than a supply for 30 consecutive calendar days.

SEC. 6. *Restrictions on manufacture and delivery.* (a) No person shall manufacture, sell, or deliver any drum which he knows or has reason to believe will be accepted or used in violation of the terms of this order or any other order or regulation of the National Production Authority.

(b) Except pursuant to an incentive plan, no person shall sell or deliver any drums to a packer unless the packer shall have furnished to the person making the sale or delivery a signed certification as follows:

> The undersigned, subject to statutory penalties, certifies that the acceptance of delivery and the use by the undersigned of the drums herein ordered will not be in violation of NPA Order M–75.

This certification shall be signed as provided in section 8 of NPA Reg. 2, and shall constitute a representation by the packer to the National Production Authority and to the person making the sale or delivery that such drums may be accepted by the packer under this order, and will not be used by the packer in violation of this order.

SEC. 7. *Exceptions.* (a) Except as expressly provided in this section, any use, ownership, or purchase of drums, whether pursuant to a rated order or otherwise, shall be subject to the restrictions and limitations of this order.

(b) The provisions of paragraphs (a) and (b) of section 4 of this order shall not apply to the use of drums for packing any listed or unlisted commodity for the transportation, storage, or handling of which a drum is prescribed and is the only container permitted under the provisions of the Consolidated Freight Classification or the National Motor Freight Classification, or by regulation or order of the Interstate Commerce Commission or the United States Coast Guard.

(c) Notwithstanding the listing of inedible molasses in Schedule I of this order, packers thereof may pack it in a used drum or drums owned by a farmer or a commercial feed mixer or a distributor of inedible molasses, for shipment to a farmer or a commercial feed mixer, when such molasses is for the use of such farmer or mixer.

(d) The provisions of sections 4, 5, and 6 (b) of this order shall not apply to the direct use, ownership, or purchase of drums by the Department of Defense or the Atomic Energy Commission.

(e) The provisions of section 4 of this order shall not apply to the use of drums which are required to fill a purchase order which is issued by or for the account of the Department of Defense or the Atomic Energy Commission and which bears the DO rating symbol A, B, C, or E.

(f) The provisions of sections 4, 5, and 6 (b) of this order shall not apply to used or reconditioned drums which have a capacity of 30 gallons or more and which are constructed of 24-gage or lighter steel.

(g) The provisions of section 4 of this order shall not apply to drums which are used and re-used by the same person solely for the intra- or interplant transportation of commodities, products, articles, or materials.

SEC. 8. *Restrictions on purchase or receipt of certain special purpose drums.* In any calendar quarter, no packer shall purchase, order, receive, or accept delivery of, more than 25 new drums of any one size or type which complies with the specification of interstate Commerce Commission Classification 5, 5–A, 5–B, 5–C, 5–D, 5–F, 5–G, 5–H, 5–P, 5–X, 6-A, 6–B, 6–C, or 6–J, or which, regardless of gage, is lead-lined, rubber-lined, hot-dipped galvanized or tinned, or constructed of stainless steel sheet, unless and until authorized to do so by the National Production Authority pursuant to an application for such authorization, to be filed in duplicate, to be addressed to the National Production Authority, Ref: M–75, Washington 25, D. C., and to contain the following information as to each size and type of drum included within the application: quantity, capacity, type, and gage of drums to be purchased or received; the product or products to be packed therein; the packer's current inventory of each particular size and type of drum; whether the drums to be purchased or received are for normal replacement of drums of the size and type then in service; and the overseas destination if for overseas destination. If the application is approved, the authorization will specify the terms and conditions upon which it is issued by the National Production Authority, and may contain additional provisions waiving, with respect to some or all of the drums so to be purchased or received, the provisions of sections 4 and 5 of this order. The foregoing restriction against receipt or acceptance of delivery of drums specified in this section shall not apply to drums ordered by a packer prior to December 19, 1951, and received by him prior to February 15, 1952.

SEC. 9. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 10. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years there-

after, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 11. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M–75.

SEC. 12. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Schedule I is hereto attached and made a part of this order.

This order is effective, except as otherwise provided herein, December 20, 1951.

NATIONAL PRODUCTION AUTHORITY
By JOHN B. OLVERSON,
Recording Secretary.

SCHEDULE I OF NPA ORDER M-75

1. Acids, dry.
2. Balsam copaiba.
3. Bird seed.
4. Calcium chloride, except fused.
5. Calcium hydroxide.
6. Charcoal.
7. Dairy products, except for steel containers 12-gallon capacity or less for animal feeds containing 30 percent or more moisture.
8. Detergents, alkaline, dry powder, granular or flake form but not including those formulae containing more than 45 percent caustic soda related to the anyhdrous content of a given formula.
9. Dye stuffs, dry, except export shipments.
10. Fatty acids (having a melting point higher than 45 degrees C.).
11. Flour.
12. Fruits—brine.
13. Fruits and peels, glace.
14. Gelatin.
15. Glue, dry, animal or vegetable base.
16. Hexamethylenetetramine.
17. Kraut.
18. Lime.
19. Linseed oil meal.
20. Meats, except in steel drums used for processing operations.
21. Molasses, inedible.
22. Oil, crude petroleum (except for the shipment of laboratory samples).
23. Olives.
24. Oxides, dry, except lead oxide, activated alumina, and cuprous oxide, and except oxides for dielectric consumption or use.
25. Paints, dry (including cement paint).
26. Paradichlorobenzene.
27. Paste, wallpaper.
28. Patching plaster.
29. Pectin.
30. Pickles.
31. Pigments, dry.
32. Plastic molding compounds, dry, except for dielectric consumption or use.
33. Salts of inorganic and organic acids, dry, except zinc chloride, tripotassium phosphate, aluminum chloride, zinc hydrosulphite, sodium hydrosulphite, ferric chloride, and ferrous chloride.
34. Sand.
35. Scouring cakes and powders.
36. Shellac, dry.
37. Soap, dry.
38. Starches, dry.
39. Sweeping compounds.
40. Vegetables—brine.
41. Vinegar.
42. Water.
43. Wax, except liquid, paste, or microcrystalline.
44. Zeolite.

[F. R. Doc. 51–15223; Filed, Dec. 20, 1951; 11:50 a. m.]

No. 247——5

TITLE 45—PUBLIC WELFARE

Chapter VI—National Science Foundation

PART 620—GRANTS FOR SCIENTIFIC RESEARCH: GUIDE FOR THE SUBMISSION OF RESEARCH PROPOSALS

Sec.
620.1 Introduction.
620.2 Proposals.
620.3 Establishing the amount of the grant.
620.4 Payment of the award.
620.5 Equipment.
620.6 Reporting.
620.7 Security.
620.8 Express conditions.
620.9 Suggestions for preparing a research proposal.
620.10 Provisions of typical grant.

AUTHORITY: §§ 620.1 to 620.10 issued under sec. 11, 64 Stat. 153; 42 U. S. C. Sup. 1870.

§ 620.1 *Introduction.* The National Science Foundation, established by the National Science Foundation Act of 1950, is authorized to support basic scientific research in the mathematical, physical, medical, biological and engineering sciences, by making grants for such research to educational, industrial, governmental or other institutions, or individuals. The policy of the Foundation ordinarily is to award grants to institutions for research by specified individuals.

§ 620.2 *Proposals.* The Foundation is now in a position to evaluate proposals for basic research grants and to make grants within the limits of available funds. Proposals are usually initiated by the scientist interested in carrying out the work. He may submit a proposal at once, or he may first choose to discuss the project informally, either by letter or in person, with an appropriate staff member of the Foundation. In the latter case a proposal will usually follow the preliminary discussion. Emphasis in the review of proposals is placed by the Foundation on the scientific merit of the suggested research, including the competence of the investigator.

§ 620.3 *Establishing the amount of the grant.* In considering the budget for a grant the Foundation recognizes that substantial contributions are made by the grantee in such forms as space, equipment, library facilities, and, in many cases, in payment of the salary of the principal investigator. The Foundation will normally provide sufficient funds in the grant for such items as the salaries of personnel, materials, equipment, necessary travel, publication, and other direct costs. In addition, the grant will normally be sufficient to cover indirect costs up to 15 percent of the total direct costs covered by the grant.

§ 620.4 *Payment of the award.* Payments will be made in advance on a quarterly, semi-annual, or annual basis depending on the relative size of the total grant.

§ 620.5 *Equipment.* The Foundation will not normally require that title to equipment purchased with granted funds vest in the Government; such equipment may thus be retained by the grantee. No accounting for equipment will be necessary.

§ 620.6 *Reporting.* The Foundation desires to be kept adequately informed of the progress of work covered by the grant and of the use of funds made available thereby. Normally this policy would be satisfied by filing of an annual progress report and a final report on the research work, and quarterly or semi-annual financial reports. Publication of research papers is encouraged as appropriate, and may take the place of progress or final reports.

§ 620.7 *Security.* In cases where there is a reasonable chance that information may be developed that should be classified in the interest of the national security, clearance may be required for investigators on the project. When, in the judgment of the principal investigator, information is developed that should be classified, he should notify the Foundation immediately.

§ 620.8 *Express conditions.* The typical grant instrument will contain express

conditions which, upon acceptance of the grant, will bind the grantee. These conditions relate to the nature and scope of the research, revocation of the grant, return of unused funds, and patent rights. The nature of these conditions may be observed by an examination of the typical grant instrument in § 620.10.

§ 620.9 *Suggestions for preparing a research proposal.* The Foundation does not recommend any specific form for proposals at this time. The handling of proposals is facilitated, however, if they are submitted in 15 copies on letter size paper to the National Science Foundation, Washington 25, D. C. It is also suggested that proposals cover the following points insofar as they may be applicable:

(a) *Name and address of institution.*

(b) *Name of principal investigator.*

(c) *Title of proposed research.*

(d) *Description of proposed research.* A description of the work to be undertaken, its objectives and its relation to the present state of knowledge in the field and to comparable work in progress elsewhere, together with pertinent literature citations should be included.

(e) *Procedure.* This should consist of an outline of the general plan of the work, including design of experiments to be undertaken, if any, and the procedure to be followed.

(f) *Facilities.* Facilities and major items of permanent equipment that are available should be described.

(g) *Personnel.* A short biographical sketch and a bibliography of the principal investigator and other professional personnel should be included.

(h) *Budget.* The budget should comprise an estimate of the total cost of the project and a statement of its proposed duration, with a breakdown of costs for each year. Funds requested from the Foundation should be indicated for each of the categories listed below. If there are contributions from other sources, itemize in similar categories.

(1) *Salaries.* Itemize positions, giving names of professional personnel, if selected.

(2) *Permanent equipment.* Itemize major pieces of equipment required.

(3) *Expendable equipment and supplies.*

(4) *Travel.*

(5) *Other direct costs.* Itemize other direct costs not included in subparagraphs (1) through (4) of this paragraph, such as costs of publication and of physical facilities.

(6) *Indirect costs.* Not to exceed 15 percent of the total of funds for direct costs requested of the Foundation, subparagraphs (1) through (5) of this paragraph.

(i) *Approval.* One copy of the proposal should be signed by the principal investigator, by the department head, and by an official authorized to sign for the institution.

§ 620.10 *Provisions of typical grant.* A typical grant will contain the following provisions:

(a) The sum of $ (amount) is granted by the National Science Foundation to (name of institution) for the support of research on (title of proposed research) under the direction of (name of principal investigator) for a period of approximately (number) year(s).

(b) Until further notice this grant will be paid as follows: $ (amount) on or about (date) ; $ (amount) on or about (date) ; and such sums on (date) , and on (date) , as are mutually agreed to be necessary to complete the work contemplated under this grant.

(c) It is a condition of this grant that it may be revoked in whole or in part by the Foundation after consultation with the principal investigator and the grantee, except that a revocation shall not affect any commitment which, in the judgment of the Foundation and the grantee, had become firm prior to the effective date of the revocation; and that funds not committed by the grantee prior to the conclusion of the work contemplated under this grant shall be returned to the Foundation.

(d) It is a further condition of this grant that disposition of domestic patent and other rights in any inventions made or conceived during the research shall be the responsibility of the grantee; that disposition of foreign patent and other rights to any such invention shall be determined by the United States Government; that the grantee shall give the Foundation reasonable notice of application by the grantee or other person or institution for a foreign or domestic patent on any such invention; and that upon issue of a domestic patent on any such invention, the patentee shall grant the Government a royalty-free, nonexclusive license for use of such invention for governmental purposes.

(e) The Foundation desires that this grant be administered in general accordance with the Foundation's policies for research grants as stated in "Grants for Scientific Research," December 1951, and in conformity with the other understandings reached between the Foundation and the grantee relating to this grant.

ALAN T. WATERMAN,
Director.

DECEMBER 10, 1951.

[F. R. Doc. 51-15069; Filed, Dec. 20, 1951; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 9—AERONAUTICAL SERVICES

FREQUENCIES AVAILABLE

At the session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of December 1951.

The Commission having under consideration the matter of amending § 9.912 of its rules governing aeronautical services in order to make available in certain parts of the U. S. the frequency 4325 kc and in certain other parts of the U. S. the frequency 4507.5 kc for assignment to land and mobile stations of the Civil Air Patrol in lieu of the frequency 2374 kc which is presently assignable to these stations:

It appearing, that the Commission has been requested so to authorize the aforesaid frequencies to such stations; and

It further appearing, that these frequencies are government frequencies and that the interested government agencies have no objection to their utilization by the Civil Air Patrol stations in the above indicated manner; and

It further appearing, that while the frequencies 4325 kc and 4507.5 kc are assigned as a replacement for the frequency 2374 kc, it is desirable to permit the stations of the Civil Air Patrol to continue to use the latter frequency until conversion to the frequencies 4325 kc and 4507.5 kc is completed, but not beyond April 1, 1952; and

It further appearing, that because of the nature of this amendment, a notice of proposed rule making and public procedure thereon are both unnecessary and impracticable; and

It further appearing, that the public interest will be served by this amendment, the authority for which is contained in sections 4 (i), 303 (c), (f) and (r) of the Communications Act of 1934, as amended:

It is ordered, That effective on the 25th day of January 1952, § 9.912 of the Commissions rules is amended to read as follows:

§ 9.912 *Frequencies available.* (a) The following frequencies have been made available by the military for assignment by the Commission to land and mobile stations of the Civil Air Patrol.

(1) 4585 kc, A1, A2, A3 emission, 400 watts maximum power.

(2) 4325 kc, A1, A2, A3 emission, 400 watts maximum power limited to stations in the southeast area of the United States, comprised of the District of Columbia and the following States:

Florida.	Tennessee.
Mississippi.	Kentucky.
Alabama.	Virginia.
Georgia.	West Virginia.
South Carolina.	Maryland.
North Carolina	Delaware.

(3) 4507.5 kc, A1, A2, A3 emission, 400 watts maximum power available to all areas of the United States except those listed in subparagraph (2) of this paragraph.

(4) 148.14 Mc, A2, A3 emission, 50 watts maximum power.

(b) Land and mobile stations of the Civil Air Patrol which are authorized to use the frequency 2374 kc may continue to communicate on this frequency until conversion to the frequencies 4325 kc or 4507.5 kc as provided in paragraph (a) of this section is accomplished, but in any event such use of the frequency 2374 kc shall be discontinued on April 1, 1952.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: December 13, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-15106; Filed, Dec. 20, 1951; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

STEAM RAILWAY ANNUAL REPORT FORM A

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 11th day of December A. D. 1951.

The matter of annual reports from Steam Railway Companies and Switching and Terminal Companies of Class I and Class II being under consideration:

It is ordered, That the order dated February 7, 1951, In the matter of annual reports from steam railway companies and switching and terminal companies of Class I and Class II (49 CFR 120.11) be, and it is hereby modified with respect to annual reports for the year ended December 31, 1951, and subsequent years, as follows:

§ 120.11 *Form prescribed for large and medium steam railways.* All steam railway companies and switching and terminal companies of Class I and Class II (49 CFR 126.1) subject to the provisions of section 20, Part I, of the Interstate Commerce Act, are hereby required to file annual reports for the year ended December 31, 1951, and for each succeeding year until further order in accordance with Annual Report Form A (Large and Medium Steam Roads and Switching and Terminal Companies),[1] which is hereby approved and made a part of this section. The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before March 31, of the year following the one to which it relates.

(Sec. 12, 24 Stat. 383, as amended, sec. 201, 54 Stat. 933; 49 U. S. C. 12, 904. Interprets or applies sec. 20, 24 Stat. 386, as amended, 54 Stat. 944; 49 U. S. C. 20, 913)

NOTE: Budget Bureau No. 60-R098.8.

By the Commission, Division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-15086; Filed, Dec. 20, 1951; 8:47 a. m.]

Subchapter B—Carriers by Motor Vehicle

PART 182—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS I COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

MISCELLANEOUS AMENDMENTS

DECEMBER 12, 1951.

By order dated November 7, 1951 (16 F. R. 11615), certain modifications of the "Uniform System of Accounts for Class I Common and Contract Motor Carriers of Property, Issue of 1948," were approved to become effective January 1, 1952, unless otherwise ordered by the Commission after consideration of objections filed on or before December 10, 1951.

After consideration of objections so received no changes were made in the said order of November 7, 1951, so the modifications attached thereto will become effective January 1, 1952.

(Sec. 204, 49 Stat. 546, as amended; 49 U. S. C. 304. Interpret or apply sec. 220, 49 Stat. 563, as amended; 49 U. S. C. 320)

[SEAL] W. P. BARTEL, *Secretary.*

SPECIAL NOTE: Changes hereinafter in the title or number of an account shall be understood to require corresponding changes elsewhere in this system of accounts where present reference appears to the old title or number.

1. In § 182.01-25 *Joint facilities*, without altering the title of the instruction, cancel the text and substitute the following for it:

(a) Where a joint facility (see § 182.00-1 (w) (definition 23)), operated by others, is used by the reporting carrier under a joint facility arrangement, any amounts paid by the carrier as its share of operation and maintenance costs including rent if the property is leased, or including depreciation, taxes and a return on the investment in the joint facility if the property is owned by the operating carrier, shall be charged to the appropriate joint facility-debit account under equipment maintenance, terminal or administration and general expenses.

(b) Where the reporting carrier operates a joint facility, any amounts received from other carriers using the facility as reimbursement of operation and maintenance costs, including rent if the property is leased, or including depreciation, taxes and a return on the investment in the joint facility if the property is owned by the reporting carrier, shall be credited to the appropriate joint facility-credit account under equipment maintenance, terminal, or administrative and general expenses.

(c) The carrier operating the joint facility shall include a statement of the distribution of the income and expenses of the facility on bills rendered joint users.

2. After § 182.1160 *Interest and dividends receivable*, insert the following account:

§ 182.1170 *Prepayments.* (a) This account shall include the amount of expenses paid or incurred in advance of their accrual, the benefits of which are to be realized in subsequent periods. Entries shall be made each month, transferring to the appropriate expense or other account the portion of each prepayment which is applicable to that month.

(b) This account shall be subdivided as follows:

1171—Prepaid Taxes and Licenses.
1172—Prepaid Insurance.
1173—Prepaid Interest.
1174—Prepaid Rents.
1175—Prepaid Stationery and Printed Matter.
1176—Prepaid Tires and Tubes.
1179—Miscellaneous Prepayments.

NOTE A: The cost of tires and tubes for revenue equipment, including taxes, may, at the time of original application to vehicles, be charged either to this account or direct to account 4160—Tires and Tubes—Revenue Equipment, or other appropriate expense account. The value of tires and tubes furnished by the vendor with newly acquired revenue equipment may also be charged to this account. A prorated portion of the cost of tires and tubes charged to this account, based on mileage or other equitable method of apportionment, shall be transferred each month to the appropriate expense account.

NOTE B: The undistributed service value, included in this account, of tires and tubes that are sold or traded in with vehicles, or which are destroyed or otherwise disposed of, shall be credited to this account.

NOTE C: Prepayments of minor items may be charged directly to the appropriate expense or other account.

3. In § 182.1800 *Prepayments*, cancel the title, text and notes of this account.

4. After § 182.4180 *Other maintenance expenses*, insert the following account:

§ 182.4185 *Operating rents.* (a) This account shall include rental payments for real estate and other property used in motor carrier operations by the Equipment Maintenance Department, not provided for elsewhere.

(b) This account shall be credited with amounts receivable as rents for the use of real estate and other property of the Equipment Maintenance Department, not provided for elsewhere.

(c) This account shall also include amounts receivable as rental from the sublease of property rented from others if amounts payable as rent for the property by the reporting carrier are charged hereto.

NOTE A: Amounts payable or receivable for rental of real estate and other property included in the lease of a distinct operating unit (see § 182.00-1 (v) (definition 22)) shall be included in account 5400—Lease of Distinct Operating Unit—Debit, or account 5500—Lease of Distinct Operating Unit—Credit, as appropriate.

NOTE B: Rentals for property and equipment used in noncarrier operations shall be included in account 6100—Income from Noncarrier Operations—Net.

5. In § 182.4191 *Joint garage expense; debit*, cancel the text of the account and substitute the following for it:

§ 182.4191 *Joint garage expense; debit.* This account shall include the carrier's proportion of costs incurred by others in maintaining and operating joint shop and garage equipment and facilities. (See §§ 182.00-1 (w) (defintion 23) and 182.01-25 (a) (instruction 25 (a)).

6. In § 182.4196 *Joint garage expense; credit*, cancel the text of the account and substitute the following for it:

§ 182.4196 *Joint garage expense; credit.* This account shall include the amounts chargeable to others as their proportion of the costs incurred by the reporting carrier in maintaining and operating joint shop and garage equipment and facilities. (See §§ 182.00-1 (w) (definition 23) and 182.01-25 (b) (instruction 25 (b)).

7. In § 182.4270 *Purchased transportation*, without altering the title of the account cancel the text and notes, and the titles, texts and notes of the accounts subsidiary thereto numbered 4271 and 4275, and substitute the following:

[1] Filed as part of the original document.

This account shall be subdivided as follows:

§ 182.4271 *Equipment rents; intercity; with drivers.* This account shall include amounts payable to others for furnishing revenue vehicles with the services of drivers for the exclusive use and under the control of the reporting carrier in intercity service where the payment includes the wages of drivers.

NOTE: If the arrangement under which vehicles with drivers are furnished to the carrier provides that wages of the drivers shall be paid separately by the reporting carrier and included on its payroll, the wages shall be included in account 4230—Drivers and Helpers, and the balance of the amount payable for the service shall be included in account 4272—Equipment Rents—Intercity—Without Drivers.

§ 182.4272 *Equipment rents; intercity; without drivers.* This account shall include amounts payable to others for furnishing revenue vehicles to the reporting carrier for its exclusive use, and under its control, in intercity service, where the payment does not include drivers' wages.

NOTE A: If, under the arrangement for use of a vehicle, the services of a driver are also included and his wages are to be paid separately by the reporting carrier and included on its payroll, the amounts of wages so paid shall be included in account 4230—Drivers and Helpers.

NOTE B: Amounts payable for rental of revenue equipment included in the lease of a distinct operating unit (see § 182.00–1 (v) (definition 22)), shall be charged to account 5400—Lease of Distinct Operating Unit—Debit.

§ 182.4273 *Other purchased transportation; intercity.* (a) This account shall include payments for the intercity transportation of individual shipments and part-loads, billed by the reporting carrier, in the vehicles of another motor carrier when the hauling carrier retains control of the vehicle and driver.

(b) This account shall also include payments to railroads, water carriers and other motor carriers for the intercity transportation of the reporting carrier's loaded and empty revenue vehicles.

(c) Amounts included in this account shall be segregated as follows:

(1) Payments to motor carriers.

(2) Payments to railroads and water carriers.

§ 182.4275 *Equipment rents; pickup and delivery; with drivers.* This account shall include amounts payable to others for furnishing revenue vehicles with the services of drivers for the exclusive use and under the control of the reporting carrier in pickup and delivery service and other local operations, where the payment includes the wages of the drivers.

NOTE: If the arrangement under which vehicles with drivers are furnished to the carrier provides that wages of the drivers shall be paid separately by the carrier and included on its payroll, the wages shall be included in account 4230—Drivers and Helpers, and the balance of the amount payable for the service in account 4276—Equipment Rents — Pickup and Delivery — Without Drivers.

§ 182.4276 *Equipment rents; pickup and delivery; without drivers.* This account shall include amounts payable to others for furnishing revenue vehicles to the reporting carrier for its exclusive use, and under its control, in pickup and delivery and other local operations, when the payment does not include drivers' wages.

NOTE A: If the arrangement for use of a vehicle covers the services of a driver whose wages are to be paid separately by the reporting carrier and included on its payroll, the amounts of wages so paid shall be included in account 4230—Drivers and Helpers.

NOTE B: Amounts payable for rental of revenue equipment included in the lease of a distinct operating unit (see § 182.00–1 (v) (definition 22)) shall be charged to account 5400—Lease of Distinct Operating Unit—Debit.

§ 182.4277 *Other purchased pickup and delivery.* (a) This account shall include payments to others for picking up and delivering the reporting carrier's intercity freight and performing its local cartage service, when the vehicles so employed are not used exclusively in the carrier's service and are not under its control.

(b) This account shall also include allowances to shippers and consignees for picking up and delivering intercity shipments.

(c) Amounts included in this account shall be segregated as follows:

(1) Payments to motor carriers and others.

(2) Allowances to shippers.

NOTE: This account shall not be charged with payments to another motor carrier for pickup or delivery service where the compensation for such service is based on a division of the through tariff rate.

§ 182.4279 *Equipment rents; credit.* (a) This account shall be credited with rents receivable by the reporting carrier for owned or leased revenue vehicles which are furnished to others without the services of drivers.

(b) This account shall also be credited with rents receivable for owned or leased revenue vehicles furnished to other motor carriers under an arrangement whereby both the vehicle and driver are furnished by the reporting carrier but the wages of the driver are paid separately by the hiring carrier and included on its payroll.

(c) This account shall be subdivided to reflect separately:

(1) Rents receivable for intercity revenue vehicles.

(2) Rents receivable for pickup and delivery revenue vehicles.

NOTE A: Payments receivable from other motor carriers which cover both the rent of an intercity vehicle and wages of the driver shall be credited to account 3130 if the service is furnished to a Class I motor carrier, and to account 3100 or account 3110 if furnished to motor carriers other than Class I.

NOTE B: Payments receivable from other motor carriers which cover both the rent of a pickup and delivery vehicle and wages of the driver shall be credited to account 3120.

NOTE C: Amounts receivable for rental of revenue vehicles included in the lease to others of a distinct operating unit (see § 182.00–1 (v) (definition 22)), shall be credited to account 5500—Lease of Distinct Operating Unit—Credit.

8. After § 182.4280 *Other transportation expenses,* insert the following account:

§ 182.4285 *Operating rents.* (a) This account shall include rental payments for real estate and other property, except revenue equipment, used in motor carrier operations by the Transportation Department not provided for elsewhere.

(b) This account shall be credited with amounts receivable as rents for the use of real estate and other property, except revenue equipment, of the Transportation Department not provided for elsewhere.

(c) This account shall also include amounts receivable as rental from the sublease of property rented from others if amounts payable as rent for the property by the reporting carrier are charged hereto.

NOTE A: Amounts payable or receivable for rental of real estate and other property included in the lease of a distinct operating unit (see § 182.00–1 (b) (definition 22)) shall be included in account 5400—Lease of Distinct Operating Unit—Debit, or account 5500—Lease of Distinct Operating Unit—Credit, as appropriate.

NOTE B: Rentals for property and equipment used in noncarrier operations shall be included in account 6100—Income from Noncarrier Operations—Net.

NOTE C: Rentals for the use of revenue equipment shall be included in account 4270—Purchased Transportation.

9. After § 182.4380 *Other terminal expenses,* insert the following account:

§ 182.4385 *Operating rents.* (a) This account shall include rental payments for real estate and other property, used in motor carrier operations by the Terminal Department, not provided for elsewhere.

(b) This account shall be credited with amounts receivable as rents for the use of real estate and other property of the Terminal Department, not provided for elsewhere.

(c) This account shall also include amounts receivable as rental from the sublease of property rented from others if amounts payable as rent for the property by the reporting carrier are charged hereto.

NOTE A: Amounts payable or receivable for rental of real estate and other property included in the lease of a distinct operating unit (see definition 22) shall be included in account 5400—Lease of Distinct Operating Unit—Debit, or account 5500—Lease of Distinct Operating Unit—Credit, as appropriate.

NOTE B: Rentals for property and equipment used in noncarrier operations shall be included in account 6100—Income from Noncarrier Operations—Net.

10. In § 182.4391 *Joint terminal facilities; debit,* cancel the text of the account and substitute the following for it:

§ 182.4391 *Joint terminal facilities; debit.* This account shall include the carrier's proportion of costs incurred by others in maintaining and operating joint terminal equipment and facilities. (See § 182.00–1 (w) (definition 23) and § 182.01–25 (a) (instruction 25 (a)).)

11. In § 182.4396 *Joint terminal facilities; credit,* cancel the text of the account and substitute the following for it:

§ 182.4396 *Joint terminal facilities; credit.* This account shall include the amounts chargeable to others as their

proportions of the costs incurred by the reporting carrier in maintaining and operating joint terminal equipment and facilities. (See § 182.00–1 (w) (definition 23) and § 182.01–25 (b) (instruction 25 (b)).)

12. After § 182.4480 *Other traffic expenses,* insert the following account:

§ 182.4485 *Operating rents.* (a) This account shall include rental payments for real estate and other property used in motor carrier operations by the Traffic Department, not provided for elsewhere.

(b) This account shall be credited with amounts receivable as rents for the use of real estate and other property of the Traffic Department, not provided for elsewhere.

(c) This account shall also include amounts receivable as rental from the sublease of property rented from others if amounts payable as rent for the property by the reporting carrier are charged hereto.

NOTE A: Amounts payable or receivable for rental of real estate and other property included in the lease of a distinct operating unit (see § 182.00–1 (v) (definition 22) shall be included in account 5400—Lease of Distinct Operating Unit—Debit, or account 5500—Lease of Distinct Operating Unit—Credit, as appropriate.

NOTE B: Rentals for property and equipment used in noncarrier operations shall be included in account 6100—Income from Noncarrier Operations—Net.

13. After § 182.4580 *Other insurance and safety expenses,* insert the following account:

§ 182.4585 *Operating rents.* (a) This account shall include rental payments for real estate and other property, used in motor carrier operations by the Insurance and Safety Department, not provided for elsewhere.

(b) This account shall be credited with amounts receivable as rents for the use of real estate and other property of the Insurance and Safety Department, not provided for elsewhere.

(c) This account shall also include amounts receivable as rental from the sublease of property rented from others if amounts payable as rent for the property by the reporting carrier are charged hereto.

NOTE A: Amounts payable or receivable for rental of real estate and other property included in the lease of a distinct operating unit (see § 182.00–1 (v) definition 22) shall be included in account 5400—Lease of Distinct Operating Unit—Debit, or account 5500—Lease of Distinct Operating Unit—Credit, as appropriate.

NOTE B: Rentals for property and equipment used in noncarrier operations shall be included in account 6100—Income from Noncarrier Operations—Net.

14. After § 182.4680 *Other general expenses,* insert the following account:

§ 182.4685 *Operating rents.* (a) This account shall include rental payments for real estate and other property, used in motor carrier operations by the Administrative and General Department, not provided for elsewhere.

(b) This account shall be credited with amounts receivable as rents for the use of real estate and other property of the Administrative and General Department, not provided for elsewhere.

(c) This account shall also include amounts receivable as rental from the sublease of property rented from others if amounts payable as rent for the property by the reporting carrier are charged hereto.

NOTE A: Amounts payable or receivable for rental of real estate and other property included in the lease of a distinct operating unit (see § 182.00–1 (v) (definition 22)) shall be included in account 5400—Lease of Distinct Operating Unit—Debit, or account 5500—Lease of Distinct Operating Unit—Credit, as appropriate.

NOTE B: Rentals for property and equipment used in noncarrier operations shall be included in account 6100—Income from Noncarrier Operations—Net.

15. In § 182.4691 *Joint operating expense; debit,* cancel the text of the account and substitute the following for it:

§ 182.4691 *Joint operating expense; debit.* This account shall include the carrier's proportion of costs incurred by others in maintaining and operating joint facilities for general purposes, such as a general office, or when amounts payable cannot be segregated between the functional groups of expense accounts provided in this system of accounts. (See § 182.00–1 (w) (definition 23) and § 182.01–25 (a) (instruction 25 (a)).)

16. In § 182.4696 *Joint operating expense; credit,* cancel the text of the account and substitute the following for it:

§ 182.4696 *Joint operating expense; credit.* This account shall include the amounts chargeable to others as their proportions of the costs incurred by the reporting carrier in maintaining and operating joint facilities used for general purposes, such as a general office, or when the amounts receivable cannot be segregated between the functional groups of expense acocunts provided in this system of accounts. (See § 182.00–1 (w) (definition 23) and § 182.01–25 (a) (instruction 25 (b)).)

17. In § 182.5300 *Operating rents; net,* cancel the title of this account and the titles, texts and notes of the accounts subsidiary thereto numbered 5310 to 5390 (§§ 182.5310 to 182.5390), inclusive.

[F. R. Doc. 51-15100; Filed, Dec. 20, 1951; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 936]

HANDLING OF FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

NOTICE OF PROPOSED REVISION OF RULES AND REGULATIONS

Notice is hereby given that the Department is considering a proposed revision, as hereinafter set forth, of the rules and regulations (7 CFR 936.100 et seq.; Subpart—Rules and Regulations; 16 F. R. 12765) currently in effect pursuant to the amended marketing agreement and Order No. 36 regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

All persons who desire to submit written data, views, or arguments for consideration in connection with such proposed revision of the rules and regulations should do so by forwarding the same to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the tenth day after the publication of this notice in the FEDERAL REGISTER.

The proposed revision of the rules and regulations has been recommended by the Control Committee—the agency established under the amended marketing agreement and order to administer the provisions thereof. The revision would (1) reapportion the representation on the Bartlett Pear Commodity Committee, and (2) clarify the conditions by reason of which an exemption certificate shall be issued by defining the conditions beyond the grower's control as differentiated from conditions arising from the grower's failure to follow proper cultural and harvesting practices.

The proposed revision is as follows:

1. Amend the provisions of § 936.116, as follows:

§ 936.116 *Representation of certain districts on Bartlett Pear Commodity Committee.* (a) Three (3) members to represent the North Sacramento Valley District, Central Sacramento Valley District, Sacramento River District, and Stockton District;

(b) Two (2) members to represent the Placer District;

(c) One (1) member to represent the Contra Costa District, Santa Clara District, and Solano District;

(d) Two (2) members to represent the Lake District;

(e) One (1) member to represent the North Coast District and North Bay District;

(f) One (1) member to represent the Colfax District; and

(g) Two (2) members to represent the Eldorado District; and all of the area not included in the North Sacramento Valley District, Central Sacramento Val-

ley District, Colfax District, Placer District, Sacramento River District, Stockton District, Solano District, Contra Costa District, Santa Clara District, Lake District, North Coast District, and North Bay District.

2. Amend the provisions of paragraphs (a) and (b) of § 936.141 *Exemptions*, so that the section now reads as follows:

§ 936.141 *Exemptions.* (a) Any application for an exemption certificate authorizing the shipment of Bartlett pears, plums, or Elberta peaches, pursuant to § 936.42 (b) of the amended marketing agreement and order, shall be submitted to the secretary of the appropriate commodity committee who shall issue an exemption certificate to any grower who furnishes proof satisfactory to such committee, in the manner prescribed herein, that, by reason of conditions beyond his control, he will be prevented because of any regulation issued from shipping or having shipped a percentage of his crop of the regulated variety of fruit equal to the percentage of all such variety of fruit permitted to be shipped from his district.

(b) Conditions beyond the control of the grower may include, but shall not be limited to, adverse climatic conditions such as frost, hail, wind, excessive heat, and excesses or shortages of water not due to faulty irrigation practices.

(c) It shall be the sole responsibility of the grower to furnish the requisite proof to the committee of adverse conditions beyond his control affecting his fruit.

(d) Conditions resulting from failure to follow proper cultural or harvesting practices shall not be considered as beyond the control of the grower.

(e) The Grower's Application for Exemption Certificate shall contain the following information on Form E–1:

(1) The name and address of the applicant;

(2) The location of the orchard (by district and distance from nearest town) from which the fruit is to be shipped pursuant to the exemption certificate;

(3) The number and age of the trees of the particular fruit for which exemption is requested;

(4) The grade or size regulation or the minimum standards of quality and maturity from which exemption is requested;

(5) The estimated crop of such fruit in such terms as required by the applicable form of application for an exemption certificate;

(6) The number of standard containers of the particular fruit, by grades and sizes, which the applicant has available for shipment during the remainder of the regulation period, and for which exemption is requested;

(7) The number of standard containers of the particular fruit, by grades and sizes, which the applicant has sold or otherwise disposed of since the beginning of the particular regulation period;

(8) The conditions or causes in detail which have resulted in the quantity of fruit for which exemption is requested not meeting the requirements of the grades or sizes or minimum standards of quality and maturity of fruit permitted to be shipped under the particular regulation;

(9) The name of the shipper;

(10) The shipments of the particular fruit during the preceding season; and

(11) Such additional data and information as the respective commodity committee may require in order to determine whether the applicant is entitled to an exemption certificate.

(f) In the event the facts shown in the application for exemption shall indicate a basis for the exemption, the respective commodity committee shall take timely action to verify all statements contained therein and determine whether the application shall be approved or disapproved: *Provided, however,* That the application shall be submitted to the committee at least 24 hours before committee action is required in order that the fruit can be harvested at the proper time. The determination, in case of approval, shall be evidenced by the issuance, to the applicant, of an exemption certificate and, in case of disapproval, shall be evidenced by written notice of such disapproval.

Issued at Washington, D. C., this 17th day of December 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51–15092; Filed, Dec. 20, 1951; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA SMALL TRACT CLASSIFICATION ORDER NO. 322

CORRECTION

DECEMBER 12, 1951.

Notice of Small Tract Classification Order, California No. 322, published in 16 F. R., page 12020, is corrected to read as follows:

Line 7 of paragraph 8 should read, in part "Application to purchase may be filed during the term of the lease, but not more than 30 days prior to the expiration of one year from the date of the lease issuance."

J. H. FAVORITE,
Acting Regional Administrator.

[F. R. Doc. 51–15088; Filed, Dec. 20, 1951; 8:48 a. m.]

CALIFORNIA SMALL TRACT CLASSIFICATION ORDER NO. 323

CORRECTION

DECEMBER 12, 1951.

Notice of Small Tract Classification Order, California No. 323, published in 16 F. R. 12369, is corrected to read as follows:

Line 7 of paragraph 8 should read, in part "Application to purchase may be filed during the term of the lease, but not more than 30 days prior to the expiration of one year from the date of the lease issuance."

J. H. FAVORITE,
Acting Regional Administrator.

[F. R. Doc. 51–15089; Filed, Dec. 20, 1951; 8:48 a. m.]

NEVADA

CLASSIFICATION ORDER

DECEMBER 7, 1951.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described land in the Nevada land district, embracing approximately 320 acres,

NEVADA SMALL TRACT CLASSIFICATION NO. 76

For lease and sale for homesites only:

T. 20 S., R. 60 E., M. D. M., Sec. 33, S½N½ and SW¼.

The lands are in close proximity to the Town of Las Vegas, Clark County, Nevada. They can be reached over a paved road that extends along the southern side of the section involved. Domestic water can be obtained from wells. Las Vegas is one of the largest towns in Nevada and has all of the usual facilities, such as stores, churches, schools, etc. The area is one that is used extensively for health and recreational purposes.

2. As to applications regularly filed prior to 8:00 a. m., September 15, 1950, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to application under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified

veterans of World War II, subject to the requirements of applicable law. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

4. A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend north and south.

6. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 5.

7. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining 5-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 5.

8. Leases will be issued for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of the various parcels as follows:

	Per acre
S½N½ and N½SW¼	$10.00
N½S½SW¼	15.00
S½S½SW¼	20.00

Application to purchase may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease issuance.

9. Leases will be subject to all existing rights-of-way and to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

10. All inquiries relating to these lands should be addressed to the Manager, Nevada Land and Survey Office, Reno, Nevada.

J. H. FAVORITE,
Acting Regional Administrator.

[F. R. Doc. 51-15087; Filed, Dec. 20, 1951; 8:48 a. m.]

[Misc. 1969385]

NEW MEXICO

NOTICE OF REVOCATION OF USE PERMIT

DECEMBER 17, 1951.

Pursuant to § 191.15 of Title 43 of the Code of Federal Regulations, notice is hereby given that on December 7, 1951, the Acting Assistant Secretary of the Interior revoked the permission granted December 8, 1943, to the War Department to use the following-described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 S., R. 13 E.,
Secs. 25 and 36.
T. 24 S., R. 13 E.,
Secs. 1, 12, 13, 24, 25, and 36.
T. 25 S., R. 13 E.,
Secs. 1, 12, 13, 24, 25, and 36.
T. 26 S., R. 13 E.,
Secs. 1, 12, 13, 24, 25, and 36.
T. 23 S., R. 14 E.,
Secs. 25 to 36, inclusive.
Tps. 24 to 26 S., R. 14 E.
T. 23 S., R. 15 E.,
Secs. 25 to 36, inclusive.
Tps. 24 to 26 S., R. 15 E.
T. 23 S., R. 16 E.,
Secs. 25 to 36, inclusive.
Tps. 24 to 26 S., R. 16 E.
T. 23 S., R. 17 E.,
Secs. 25 to 36, inclusive.
Tps. 24 to 26 S., R. 17 E.
T. 23 S., R. 18 E.,
Secs. 25 to 36, inclusive.
Tps. 24 to 26 S., R. 18 E.
T. 23 S., R. 19 E.,
Secs. 25 to 36, inclusive.
Tps. 24 to 26 S., R. 19 E.
T. 23 S., R. 20 E.,
Sec. 29, W½;
Secs. 30, 31, and 32.
T. 24 S., R. 20 E.,
Secs. 5 to 9, 16 to 21, and 28 to 33, inclusive.
T. 25 S., R. 20 E.,
Secs. 4 to 9, 16 to 21, and 28 to 33, inclusive.
T. 26 S., R. 20 E.,
Secs. 4 to 9, 16 to 21, and 28 to 33, inclusive.

The areas described, including both public and non-public lands, aggregate 493,202.36 acres.

Some of the lands described above were withdrawn by Public Land Order No. 629 of January 13, 1950, and no applications may be allowed as to such lands.

Any applicant for a mineral permit or lease for lands described in said permit and not included in Public Land Order No. 629, whose application was rejected solely because the said permit was granted may apply for a reinstatement of his application within 60 days from the date of the publication of this notice.

WILLIAM FINCUS,
Assistant Director.

[F. R. Doc. 51-15068; Filed, Dec. 20, 1951; 8:45 a. m.]

WYOMING

STOCK DRIVEWAY WITHDRAWAL NO. 23, WYOMING NO. 6, REDUCED

DECEMBER 14, 1951.

Pursuant to the authority delegated by the Director, Bureau of Land Management, in § 2.22(a)(1) of Order No. 427, dated August 16, 1950 (15 F. R. 5639), it is ordered as follows:

Subject to valid rights and the provisions of existing withdrawals, the Departmental order of June 20, 1918, establishing Stock Driveway Withdrawal No. 23, Wyoming No. 6, under section 10 of the act of December 29, 1916 (30 Stat. 865; 43 U. S. C. 300), is hereby revoked so far as it affects the following described land:

SIXTH PRINCIPAL MERIDIAN

T. 20 N., R. 83 W.,
Sec. 22, NE¼, E½NW¼, N½SE¼.

The area described aggregates 520 acres.

The lands are principally suited for grazing purposes.

No applications for these lands may be allowed under the homestead, small tract, desert land, or any other nonmineral public land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert land laws or the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended, subject to the requirements of applicable law; and (2) application

under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Cheyenne, Wyoming, shall be acted upon in accordance wth the regulations contained in §295.8 of Title 43 of the Code of Federal Regulations and Part 296 of this title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of this title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Cheyenne, Wyoming.

MAX CAPLAN,
Acting Regional Administrator.

[F. R. Doc. 51-15066; Filed, Dec. 20, 1951; 8:45 a. m.]

WYOMING

STOCK DRIVEWAY WITHDRAWAL NO. 36, WYOMING NO. 7, REDUCED

DECEMBER 17, 1951.

Pursuant to the authority delegated by the Director, Bureau of Land Management, in § 2.22 (a) (1) of Order No. 427, dated August 16, 1950 (15 F. R. 5639), it is ordered as follows:

Subject to valid rights and the provisions of existing withdrawals, the order of the Secretary of the Interior of September 13, 1918, establishing Stock Driveway Withdrawal No. 36, Wyoming No. 7, under section 10 of the act of December 29, 1916 (30 Stat. 865; 43 U. S. C. 300), is hereby revoked so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 23 N., R. 113 W.,
Sec. 20, lot 10.
Sec. 29, lot. 1.
T. 23 N., R. 114 W.,
Sec. 25, N½NE¼, E½NW¼, SW¼NW¼.

The areas described aggregate 313.71 acres.

The above described lands are primarily suitable for irrigated production and grazing purposes.

No applications for these lands may be allowed under the homestead, small tract, desert land, or any other nonmineral public land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert land laws or the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for nonpreference right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Cheyenne, Wyoming, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of this title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of this title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Cheyenne, Wyoming.

MAX CAPLAN,
Acting Regional Administrator.

[F. R. Doc. 51-15067; Filed, Dec. 20, 1951; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2693]

POPLAR RIDGE COAL CO.

ORDER AUTHORIZING ISSUE AND SALE OF BANK LOAN NOTES

DECEMBER 14, 1951.

Poplar Ridge Coal Company ("Poplar Ridge"), a nonutility subsidiary of Union Electric Company of Missouri, a registered holding company and a public-utility company, which in turn is a subsidiary of The North American Company, also a registered holding company,

having filed an application, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("the Act"), for an exemption from the provisions of sections 6 (a) and 7 of the act;

Said application relating to the proposed issuance and sale to the First National Bank in St. Louis by Poplar Ridge of certain promissory notes in the aggregate face amount of $500,000 to evidence a bank loan of said amount; such notes, bearing interest at the rate of 3 percent per annum, to mature in five equal annual installments from December 31, 1952, to December 31, 1956, with Poplar Ridge having the privilege of prepaying said notes without premium; and such loan to provide funds which, together with treasury cash, is to enable Poplar Ridge to pay for the purchase of equipment, the acquisition of additional coal rights, and for extensions to its coal mine;

A public hearing having been held after appropriate notice; Poplar Ridge having filed requested findings of fact and a brief in support of said application, and the Division of Public Utilities having filed a proposed findings and opinion concluding that under the circumstances presented such application should be granted; oral argument having been waived; and

The Commission finding that the issue and sale of said notes are solely for the purpose of financing the business of Poplar Ridge which is not a holding company, a public-utility company, an investment company, or a fiscal or financing agency of a holding company, a public-utility company, or an investment company, and the Commission deeming it not necessary to impose terms and conditions with respect to said issue and sale in the public interest or for the protection of investors or consumers;

It is hereby ordered, That said application be, and the same hereby is, granted, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-15070; Filed, Dec. 20, 1951; 8:46 a. m.]

[File No. 70-2754]

DUVAL SULPHUR & POTASH CO.

ORDER AUTHORIZING BORROWING FROM A CERTAIN BANK AND THE ACQUISITION FOR CANCELLATION OF COMPANY'S OWN PROMISSORY NOTES

DECEMBER 17, 1951.

Duval Sulphur & Potash Company ("Duval"), a non-utility subsidiary of United Gas Corporation, which in turn is a gas utility subsidiary company of Electric Bond and Share Company, a registered holding company has filed an application pursuant to section 6(b) of the Public Utility Holding Company Act of 1935.

Pursuant to a loan agreement with The First National Bank of Boston ("Bank") dated January 31, 1950, Duval borrowed an aggregate of $2,500,000 for which it issued promissory notes in the same aggregate principal amount bearing interest at the rate of 2¾ percent per annum and maturing on January 1, 1958. Duval was obligated to pay quarterly on the principal of the said notes the sum of $125,000 commencing April 1, 1953.

Duval now proposes to enter into a loan agreement with the Bank which will supersede the above-mentioned loan agreement providing, among other things, for an ititial aggregate borrowing of $3,500,000 to be evidenced by Duval's promissory note, bearing interest at the rate of 3 percent per annum and maturing on January 1, 1960. Commencing April 1, 1953, the sum of $125,000 is to be due and payable quarterly on the principal of said note. The proposed loan agreement further provides that the Bank will make available to Duval the additional sum of $500,000 at 3 percent interest, for a period of one year, the commitment fee, payable quarterly, to be ⅛ of 1 percent of the average daily amount of the portion of the commitment unused during the preceding three months' period. Under said proposed loan agreement, the Bank will surrender to Duval for cancellation Duval's notes presently held by such Bank in the aggregate principal amount of $2,500,000 and loan $1,000,000 in cash against the issuance and delivery by Duval of its note in the principal amount of $3,500,000.

It is stated that the proceeds from the proposed bank loan will be used to complete construction of mining and milling facilities for the mining and processing of potash from properties of Duval located in Eddy County, New Mexico, estimated to cost a total of $8,206,000. The stand-by commitment of $500,000 will be used by Duval, if required, to replenish its working capital.

Said application having been filed on November 26, 1951, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said application within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding with respect to said application that the requirements of the applicable provisions of the act and the rules promulgated thereunder are satisfied, and deeming it appropriate that said application be granted, and the Commission also deeming it appropriate to grant Duval's request that the order herein be effective upon issuance:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that said application be, and the same hereby is, granted, effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-15071; Filed, Dec. 20, 1951; 8:46 a. m.]

[File No. 70-2730]

OKLAHOMA GAS AND ELECTRIC CO. AND EARL W. BAKER UTILITIES CO.

NOTICE OF PROPOSED ISSUANCE OF COMMON STOCK BY PUBLIC UTILITY COMPANY IN EXCHANGE FOR OUTSTANDING COMMON STOCK OF NON-AFFILIATED UTILITY COMPANY TO BE FOLLOWED BY LIQUIDATION OF SUCH NON-AFFILIATED COMPANY

Notice is hereby given that Oklahoma Gas and Electric Company ("Oklahoma"), a public utility subsidiary of Standard Gas and Electric Company and Standard Power and Light Corporation, both registered holding companies, and Earl W. Baker Utilities Company ("Baker"), a non-affiliated electric utility company operating in territory contiguous to Oklahoma's service area, have filed a joint application-declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 ("act") and have designated sections 6, 7, 9, 10, and 12 of the act and Rules U-2, U-23, U-24, U-42, and U-43, promulgated thereunder, as applicable to the proposed transactions which are summarized as follows:

Oklahoma proposes to issue and deliver 42,765 shares of its common stock, par value $10 a share, to the present shareholders of Baker in exchange for 750 shares of the capital stock of Baker.

Baker has authorized and outstanding 1000 shares of capital stock, par value $100 a share, all of these shares being owned in varying amounts by four individuals. Baker serves approximately 2200 electric customers and approximately 1470 water customers in an area of about 180 square miles, northwest and north of Oklahoma City and contiguous to the territory served by Oklahoma. All of Baker's electric energy requirements are furnished by Oklahoma.

Oklahoma proposes, as soon as possible after becoming the principal shareholder of Baker, to cause the liquidation and dissolution of Baker on a basis whereby Oklahoma will receive 75 percent of the net assets of Baker, including all the electric properties, and the other shareholders of Baker will receive the remaining net assets, including all the water properties.

The filing contains a pro forma statement of income wherein it is estimated that for the twelve months ended August 31, 1951, Oklahoma would have derived $50,588 net income from the electric properties now owned by Baker. Baker's net income for that period from its electric operations was $32,477. The net original cost of Baker's electric plant, at August 31, 1951, is stated to have been $239,403. Oklahoma proposes to record its investment in the Baker stock at the approximate aggregate market price, at date of issuance, of the 42,765 shares of its common stock to be issued. These new shares of Oklahoma stock will be recorded in the capital stock account at the par value thereof and the difference between the market price and the par value will be recorded as premium on common stock. Upon the subsequent acquisition by Oklahoma of the electric utility assets of Baker, in connection

with the liquidation of Baker, Oklahoma will make an immediate charge to its earned surplus of the difference between the net original cost of the underlying electric assets acquired from Baker and the cost of such assets to Oklahoma.

The Corporation Commission of Oklahoma and the Public Service Commission of Arkansas have authorized the proposed stock issue by Oklahoma and the Oklahoma Commission has also authorized the acquisition by Oklahoma of the electric properties of Baker in connection with the liquidation of Baker.

Oklahoma estimates the fees and expenses, in connection with the proposed transactions, in the aggregate amount of $10,000, including $6,000 for legal services, and approximately $2,200 for miscellaneous expenses.

The filing requests that the order granting and permitting effectiveness to the joint amended application-declaration become effective forthwith upon issuance.

Notice is further given that any person may, not later than December 27, 1951, at 12:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said joint amended application-declaration which he desires to controvert, or he may request notice thereof if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after 12:30 p. m., December 27, 1951, said joint amended application-declaration, as filed or as further amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt the transactions proposed therein as provided in Rules U-20 (a) and U-100 thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-15072; Filed, Dec. 20, 1951; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26642]

BINDER TWINE FROM GULF AND SOUTH ATLANTIC PORTS TO POINTS IN WESTERN TRUNK-LINE, ILLINOIS, AND CENTRAL TERRITORIES

APPLICATION FOR RELIEF

DECEMBER 17, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. P. Emerson, Jr., Agent, for carriers parties to his tariff I. C. C. No. 410 and Agent F. C. Kratzmeir's tariff I. C. C. No. 3994.

Commodities involved: Binder twine and baler twine, carloads.

From: Gulf and south Atlantic ports.

To: Points in western trunk-line, Illinois, and central territories.

Grounds for relief: Rail competition, circuity, grouping, and to maintain port rate relations.

Schedules filed containing proposed rates: W. P. Emerson, Jr.'s tariff I. C. C. No. 410; F. C. Kratzmeir's tariff I. C. C. No. 3994.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-15031; Filed, Dec. 19, 1951; 8:48 a. m.]

[4th Sec. Application 26643]

SCRAP IRON FROM POINTS IN SOUTHERN TERRITORY TO NEW BOSTON AND PORTSMOUTH, OHIO

APPLICATION FOR RELIEF

DECEMBER 18, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 950.

Commodities involved: Scrap iron or steel, carloads.

From: Points in southern territory.

To: New Boston and Portsmouth, Ohio.

Grounds for relief: Competition with rail carriers, circuitous routes, and market competition.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-15081; Filed, Dec. 20, 1951; 8:46 a. m.]

[4th Sec. Application 26644]

LIME FROM LUDINGTON, MICH., TO POINTS IN PENNSYLVANIA, MAINE, MASSACHUSETTS, AND VERMONT

APPLICATION FOR RELIEF

DECEMBER 18, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4202.

Commodities involved: Lime, carloads.

From: Ludington, Mich.

To: Easton, Reading, and Scranton, Pa., Bangor, Maine, Boston and Springfield, Mass., Rutland, Vt., and points grouped therewith.

Grounds for relief: Rail competition, circuity, grouping, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-15082; Filed, Dec. 20, 1951; 8:46 a. m.]

[4th Sec. Application 26645]

LATEX FROM BATON ROUGE AND NORTH BATON ROUGE, LA., TO POINTS IN OFFICIAL, SOUTHERN, AND WESTERN TRUNK-LINE TERRITORIES

APPLICATION FOR RELIEF

DECEMBER 18, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent W. P. Emer-

son, Jr.'s tariffs I. C. C. Nos. 378 and 413, and Agent C. A. Spaninger's tariff I. C. C. No. 1167.

Commodities involved: Latex (liquid crude rubber), in tank-car loads.

From: Baton Rouge and North Baton Rouge, La.

To: Specified points in official, southern, and western trunk-line territories.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: W. P. Emerson, Jr.'s tariff I. C. C. No. 413, Supp. 7; W. P. Emerson, Jr.'s tariff I. C. C. No. 378, Supp. 167; C. A. Spaninger's tariff I. C. C. No. 1167, Supp. 48.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-15083; Filed, Dec. 20, 1951; 8:46 a. m.]

[4th Sec. Application 26647]

BOXES OR CRATES, BOTTLE CARRYING, BETWEEN BORDER TERRITORY AND THE EAST

APPLICATION FOR RELIEF

DECEMBER 18, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to Agent C. W. Boin's tariff I. C. C. No. A-726.

Commodities involved: Boxes or crates, bottle carrying, with permanently fixed partitions, new, rubber composition, set up, carloads.

Between: Trunk-line (including Buffalo-Pittsburgh territory) and New England territories, on the one hand, and points in North Carolina, southern Virginia, Kentucky, and Tennessee, on the other.

Grounds for relief: Circuity, grouping, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-726, Supp. 243.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-15085; Filed, Dec. 20, 1951; 8:47 a. m.]

[4th Sec. Application 26646]

SULPHURIC ACID FROM NORCO, LA., TO POINTS IN ALABAMA, GEORGIA, AND TENNESSEE

APPLICATION FOR RELIEF

DECEMBER 18, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1200.

Commodities involved: Sulphuric acid, in tank-car loads.

From: Norco, La.

To: Florence, Ala., Americus and Tifton, Ga., and Wales, Tenn.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1200, Supp. 33.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-15084; Filed, Dec. 20, 1951; 8:46 a. m.]